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PART II—Section 2

प्राप्तिकार से प्रकाशित

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NEW DELHI, THURSDAY, AUGUST 3, 1978/SRAVANA 12, 1900

इस भाग में भिन्न पृष्ठ संलग्न की जाती हैं जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed
as a separate compilation

LOK SABHA

The following Bills were introduced in Lok Sabha on the 3rd August, 1978:—

BILL No. 119 OF 1978

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Twenty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Forty-sixth Amendment) Act, 1978.

**Short title
and
commencement.**

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. For article 338 of the Constitution, the following articles shall be substituted, namely:—

**Substitution of
new arti-
cles for
article
338.
Commis-
sion for
Scheduled
Castes
and
Scheduled
Tribes.**

“338. (1) There shall be a Commission for the Scheduled Castes and Scheduled Tribes.

(2) Subject to the provisions of any law made in this behalf by Parliament, the Commission shall consist of such person or persons as the President may appoint and the conditions of service and tenure of office of the person or persons so appointed shall be such as the President may by rule determine.

(3) It shall be the duty of the Commission—

(a) to investigate all matters relating to the safeguards provided for the Scheduled Castes and Scheduled Tribes under this Constitution;

(b) to submit to the President, at such intervals as he may direct, reports upon the working of those safeguards;

(c) to make in such reports such recommendations as the Commission may deem fit as to the measures that should be taken

by the Union or any State for the effective implementation of those safeguards; and

(d) to discharge such other functions in relation to the protection and advancement of the Scheduled Castes and Scheduled Tribes as the President may by rule specify.

(4) The President shall cause all such reports to be laid before each House of Parliament along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the Union and the reasons for the non-acceptance, if any, of any such recommendation.

(5) Where any such report, or any part thereof, relates to any matter with which any State Government is concerned, a copy of such report shall be forwarded to the Governor of the State who shall cause it to be laid before the Legislature of the State along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the State and the reasons for the non-acceptance, if any, of any such recommendation.

(6) In this article, references to the Scheduled Castes and Scheduled Tribes shall be construed as including references to such other backward classes as the President may, on receipt of the report of a Commission appointed under clause (1) of article 340, by order specify.

**Minorities
Commis-
sion** 338A. (1) There shall be a Commission for the minorities to be known as the Minorities Commission.

(2) Subject to the provisions of any law made in this behalf by Parliament, the Commission shall consist of such person or persons as the President may appoint and the conditions of service and tenure of office of the person or persons so appointed shall be such as the President may by rule determine.

(3) It shall be the duty of the Commission—

(a) to investigate all matters relating to the safeguards provided for the minorities under this Constitution;

(b) to submit to the President, at such intervals as he may direct, reports upon the working of those safeguards;

(c) to make in such reports such recommendations as the Commission may deem fit as to the measures that should be taken by the Union or any State for the effective implementation of those safeguards; and

(d) to discharge such other functions in relation to the protection of the minorities as the President may by rule specify.

(4) The President shall cause all such reports to be laid before each House of Parliament along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the Union and the reasons for the non-acceptance, if any, of any such recommendation.

(5) Where any such report, or any part thereof, relates to any matter with which any State Government is concerned, a copy of such report shall be forwarded to the Governor of the State who shall cause it to be laid before the Legislature of the State along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the State and the reasons for the non-acceptance, if any, of any such recommendation.”.

3. Article 350B of the Constitution shall be omitted.

**Omission
of arti-
cle 350B.**

STATEMENT OF OBJECTS AND REASONS

Article 338 of the Constitution provides that there shall be a Special Officer for the Scheduled Castes and Scheduled Tribes whose duty it shall be to investigate all matters relating to the safeguards provided for the Scheduled Castes and Scheduled Tribes under the Constitution and to report upon the working of those safeguards at prescribed intervals. Accordingly, the President has appointed a Special Officer designated as the Commissioner for the Scheduled Castes and Scheduled Tribes. However, considering the magnitude of the problem, it has been felt that instead of having one officer reporting on the safeguards, it will inspire greater confidence if the matters relating to the Scheduled Castes and the Scheduled Tribes are entrusted to a Commission consisting of persons of eminence and status.

2. Similarly, the Constitution provides in article 350B for a Special Officer for Linguistic Minorities. The Government are of the view that appointment of a Commission to safeguard the interests of all minorities, whether based on religion or language, would provide a more satisfactory institutional arrangement for achieving the desired objective. A Minorities Commission was, therefore, set up by an executive order. Such a Commission would, if set up in pursuance of Constitutional provisions, inspire greater confidence among the minorities.

3. It is, therefore, proposed to amend the Constitution to substitute for article 338 two new articles to provide for the aforementioned Commissions and to omit article 350B.

4. The Bill seeks to achieve the above objects.

NEW DELHI;

The 20th July, 1978.

DHANIK LAL MANDAL.

FINANCIAL MEMORANDUM

Clause 3 of the Bill seeks to substitute for article 338 new articles 338 and 338A.

2. New article 338 provides for a Commission for the Scheduled Castes and Scheduled Tribes in place of the Special Officer for the Scheduled Castes and Scheduled Tribes. It is proposed to merge the existing organisation of the Commissioner for the Scheduled Castes and Scheduled Tribes with the proposed new Commission. Even so, the provisions of new article 338 will involve additional expenditure as the Commission will be a multi-member Commission. Further, it will be necessary to augment the strength of the existing organisation of the Commissioner for the Scheduled Castes and Scheduled Tribes. The details of the additional staff requirements and the organisational set up of the Commission for the Scheduled Castes and Scheduled Tribes would be settled after the Commission is set up. It is, therefore, not possible to give a precise estimate of the additional expenditure involved, at this stage. It is, however, estimated that the non-recurring expenditure which may be involved would be about Rs. 4.3 lakhs and the recurring expenditure would be about Rs. 5.7 lakhs per annum.

3. New article 338A provides for a Commission for the Minorities in place of the Special Officer for Linguistic Minorities under article 350B. Even now a Minorities Commission set up by an executive order is functioning. The office of the Commissioner for Linguistic Minorities, which came into existence in 1957 will stand abolished with the setting up of the Minorities Commission under new article 338A. It is estimated that the non-recurring expenditure in respect of the Minorities Commission is likely to be of the order of Rs. 6.3 lakhs while the recurring expenditure is likely to be Rs. 8.2 lakhs per annum.

4. The provisions of the Bill do not involve any other expenditure of a recurring or non-recurring nature.

BILL No. 120 OF 1978

A Bill to amend and consolidate the law relating to the regulation of the police in the Union territory of Delhi.

BE it enacted by Parliament in the Twenty-ninth Year of the Republic of India as follows:—

CHAPTER I**PRELIMINARY**

1. (1) This Act may be called the Delhi Police Act, 1978.
(2) It extends to the whole of the Union territory of Delhi.
(3) It shall be deemed to have come into force on the 1st day of July, 1978.
2. In this Act, unless the context otherwise requires,—
(a) “Administrator” means the Administrator of Delhi appointed under article 239 of the Constitution;

Short title,
extent
and com-
mence-
ment.

Defini-
tions.

(b) "cattle" includes elephants, camels, horses, asses, mules, sheep, goats and swine;

(c) "competent authority", when used with reference to the exercise of any power or discharge of any duty under the provisions of this Act, means the Commissioner of Police appointed under section 6 or any other police officer specially empowered in that behalf by the Central Government;

(d) "constable" means a police officer of the lowest grade;

(e) "Corporation" means the Municipal Corporation of Delhi constituted under the Delhi Municipal Corporation Act, 1957;

(f) "Delhi" means the Union territory of Delhi;

(g) "Delhi police" or "police force" means the police force referred to in section 3 and includes—

(i) all persons appointed as special police officers under sub-section (1) of section 17 and additional police officers appointed under section 18; and

(ii) all other persons, by whatever name known, who exercise any police function in any part of Delhi;

(h) "eating house" means any place to which the public are admitted and where any kind of food or drink is supplied for consumption on the premises by any person owning, or having any interest in, or managing, such place and includes—

(i) a refreshment room, boarding house or coffee house, or

(ii) a shop where any kind of food or drink is supplied to the public for consumption in or near such shop,

but does not include a place of public entertainment;

(i) "municipality" means the New Delhi Municipal Committee, the Cantonment Board or any other municipal body, other than the Corporation, established by or under any law for the time being in force in or any part of Delhi;

(j) "place" includes—

(i) any building, tent, booth or other erection, whether permanent or temporary; and

(ii) any area, whether enclosed or open;

(k) "place of public amusement" means any place where music, singing, dancing or game or any other amusement, diversion, or recreation or the means of carrying on the same is provided, to which the public are admitted either on payment of money or with the intention that money may be collected from those admitted and includes a race course, circus, theatre, music hall, billiard or bagatelle room, gymnasium, fencing school, swimming pool or dancing hall;

(l) "place of public entertainment" means a lodging house, boarding and lodging house or residential hostel and includes any eating house or other place in which any kind of liquor or intoxicating drug is supplied (such as a tavern or a shop where beer,

spirit, arrack, toddy, ganja, bhang or opium is supplied) to the public for consumption in or near such place;

(m) "police officer" means any member of the Delhi police;

(n) "prescribed" means prescribed by rules;

(o) "public place" means any place to which the public have access, whether as of right or not, and includes—

(i) a public building and monument and precincts thereof; and

(ii) any place accessible to the public for drawing water, washing or bathing or for purposes of recreation;

(p) "regulations" means regulations made under this Act;

(q) "rules" means rules made under this Act;

(r) "street" includes any highway, bridge, way over a causeway, viaduct or arch or any road, lane, footway, square, court, alley or passage accessible to the public, whether or not it is a thoroughfare;

(s) "subordinate ranks" means members of the police force of and below the rank of the Inspector;

(t) "vehicle" means any carriage, cart, van, dray, truck, hand-cart or other conveyance of any description and includes a bicycle, tricycle, a rickshaw, a motor vehicle, a vessel or an aeroplane.

CHAPTER II

ORGANISATION, SUPERINTENDENCE AND CONTROL OF THE POLICE FORCE

3. There shall be one police force for the whole of Delhi and all officers and subordinate ranks of the police force shall be liable for posting to any branch of the force including the Delhi Armed Police.

One police force for the whole of Delhi.

4. The superintendence of the Delhi police throughout Delhi shall vest in, and be exercisable by the Administrator and any control, direction or supervision exercisable by any officer over any member of the police force shall be exercisable subject to such superintendence.

Superintendence of police force to vest in the Administrator.

5. Subject to the provisions of this Act,—

(a) the Delhi police shall consist of such number in the several ranks and have such organisation and such powers, functions and duties as the Administrator may, by general or special order, determine; and

(b) the recruitment to, and the pay, allowances and all other conditions of service of the members of, the Delhi police shall be such as may be prescribed:

Constitution of police force.

Provided that nothing in clause (b) shall apply to the recruitment to, and the pay, allowances and other conditions of service of the members of the Indian Police Service or the Delhi, Andaman and Nicobar Islands Police Service.

Commis-
sioner of
Police.

Additional
Commis-
sioner of
Police.

Deputy,
Additional
Deputy
and
Assistant
Commis-
sioners of
Police.

Appoint-
ment of
Principals
of Police
training
institu-
tions.

Consti-
tution of
police
districts,
sub-divi-
sions and
police
stations.

6. For the direction and supervision of the police force in Delhi, the Administrator shall appoint a Commissioner of Police who shall exercise and perform such powers and duties and perform such functions as are specified by or under this Act.

7. (1) The Administrator may appoint one or more Additional Commissioners of Police for the purposes of this Act.

(2) The Additional Commissioner of Police shall—

(a) assist the Commissioner of Police in the exercise of his powers and the performance of his duties in such manner and to such extent, and

(b) exercise such powers and perform such duties of the Commissioner of Police and within such local limits,

as the Administrator may, by general or special order, specify.

8. (1) The Administrator may appoint one or more Deputy Commissioners of Police or Additional Deputy Commissioners of Police or Assistant Commissioners of Police for the purposes of this Act.

(2) Without prejudice to the other provisions of this Act and subject to any general or special orders made by the Administrator in this behalf, every Deputy Commissioner of Police or Additional Deputy Commissioner of Police or Assistant Commissioner of Police shall, under the orders of the Commissioner of Police, exercise such of the powers (except the power to make regulations) and perform such of the duties of the Commissioner of Police and within such local limits as may be specified in such orders.

9. (1) (a) The Administrator shall appoint a police officer not below the rank of a Deputy Commissioner of Police to be the Principal of the Police Training School for Delhi.

(b) The Commissioner of Police may by general or special order assign to the Principal of the Police Training School such powers and duties as he may deem fit for the proper functioning of that School.

(2) (a) The Administrator may establish a Police Training College for Delhi and appoint a police officer of appropriate rank to be the Principal of such College.

(b) The Commissioner of Police may by general or special order assign to the Principal of the Police Training College such powers and duties as he may deem fit for the proper administration of that College.

10. Subject to the control of the Administrator, the Commissioner of Police shall—

(a) constitute police districts within Delhi;

(b) divide such police districts into police sub-divisions and specify the police stations comprised in each such sub-division; and

(c) define the limits and extent of such police districts, police sub-divisions and police stations.

11. (1) Each police district shall be under the charge of a Deputy Commissioner of Police who may be assisted in the discharge of his duties by one or more Additional Deputy Commissioners of Police.

(2) Each police sub-division shall be under the charge of an Assistant Commissioner of Police and each police station shall be under the charge of an Inspector of Police.

12. Subject to such general or special orders in writing as the Administrator may make in this behalf,—

(a) Inspectors of Police may be appointed by the Additional Commissioner of Police; and

(b) Sub-Inspectors of Police and other officers of subordinate rank may be appointed by the Deputy Commissioners of Police, Additional Deputy Commissioners of Police, Principal of the Police Training College or of the Police Training School, or any other police officer of equivalent rank.

13. (1) Every police officer of the rank of Inspector and below shall on enrolment receive a certificate of appointment.

(2) The certificate shall be issued under the seal of such officer, and shall be in such form, as the Administrator may, by general or special order, specify.

(3) A certificate of appointment shall become null and void when the person named therein ceases to belong to the Delhi police or shall remain inoperative during the period such person is suspended from the Delhi police.

14. The powers, functions and privileges vested in a police officer shall remain suspended while such police officer is under suspension from office:

Provided that notwithstanding such suspension such person shall not cease to be a police officer and shall continue to be subject to the control of the same authorities to which he would have been subject if he had not been under suspension.

15. The Commissioner of Police shall direct and regulate all matters of arms, drill, exercise, observation of persons and events, mutual relations, distribution of duties, study of laws, orders and modes of proceedings and all matters of executive detail or the fulfilment of their duties by the police force under him.

16. The Commissioner of Police shall have the authority to investigate and regulate all matters of account connected with the Delhi police and all persons concerned shall be bound to give him reasonable aid and facilities in conducting such investigations and to conform to his orders consequent thereto.

17. (1) The Commissioner of Police may, at any time, by a written order, signed by himself and sealed with his own seal, appoint any able bodied male person not less than eighteen years of age, whom he considers

Officers in charge of police districts, police sub-divisions and police stations.

Appoint-
ment of
subordi-
nate ranks.

Certificate of ap-
point-
ment.

Effect of
suspension
of police
officer.

General
powers of
Commis-
sioner of
Police.

Power of
Commis-
sioner of
Police to
investigate
and regu-
late mat-
ters of
police ac-
counts.

Special
police
officers.

fit, to be a special police officer to assist the Delhi police on any occasion, when he has reason to apprehend the occurrence of any riot or grave disturbance of the peace in any area and he is of opinion that the ordinary police force is not sufficient for the protection of persons residing, and for the security of property, within such area.

(2) The Commissioner of Police shall publish the names of special police officers appointed under this section in such manner as may be prescribed.

(3) Any person objecting to the appointment of any person as such special police officer may send his reasons for such objection to the Commissioner of Police within fifteen days of such appointment and the Commissioner may accept such objection and cancel the appointment of such officer or, after giving to the objector an opportunity to be heard, reject the objection.

(4) Every special police officer appointed under this section shall, on appointment,—

(a) receive a certificate of appointment in such form as may be specified by the Administrator in this behalf;

(b) have the same powers, privileges and immunities and perform the same duties and be subject to the same authorities as an ordinary police officer.

Additional
police
officers.

18. Where additional police officers are required to be deputed under section 38, section 39 or section 40 the Commissioner of Police may appoint such number of additional police officers as he considers necessary and every such additional police officer shall, on appointment,—

(a) receive a certificate of appointment in such form as may be specified by the Administrator in this behalf;

(b) have such of the powers, privileges and immunities and perform such of the duties of a police officer as are specifically mentioned in the certificate; and

(c) be subject to the same authorities as an ordinary police officer of the same or similar rank or grade.

CHAPTER III

REGULATION, CONTROL AND DISCIPLINE OF THE DELHI POLICE

Framing
of regula-
tions for
adminis-
tration of
the police.

19. Subject to the orders of the Administrator, the Commissioner of Police may make regulations not inconsistent with this Act or any other law for the time being in force—

(a) regulating the inspection of the police force by his subordinates;

(b) determining the description and quantity of arms, accoutrements, clothing and other necessaries to be furnished to the police;

(c) prescribing the places of residence of members of the police force;

(d) for institution, management and regulation of any police fund for any purpose connected with police administration;

(e) regulating the distribution, movements and location of the police;

(f) assigning duties to police officers of all ranks and grades, and prescribing the manner in which, and the conditions subject to which they shall exercise and perform their respective powers and duties;

(g) regulating the collection and communication by the police of intelligence and information;

(h) generally, for the purpose of rendering the police efficient and preventing abuse or neglect of their duties.

20. The Commissioner of Police may call for such returns, reports and statements on any subject connected with the prevention and detection of crime, the maintenance of order and the performance of the duties of his subordinates as such subordinates may be able to furnish to him.

Commissioner of Police may call for returns.

21. (1) Subject to the provisions of article 311 of the Constitution and the rules, the Commissioner of Police, Additional Commissioner of Police, Deputy Commissioner of Police, Additional Deputy Commissioner of Police, Principal of the Police Training College or of the Police Training School or any other officer of equivalent rank, may award to any police officer of subordinate rank any of the following punishments, namely:—

Powers of punishment.

- (a) dismissal;
- (b) removal from service;
- (c) reduction in rank;
- (d) forfeiture of approved service;
- (e) reduction in pay;
- (f) withholding of increment; and
- (g) fine not exceeding one month's pay.

(2) Subject to the rules—

(a) any police officer specified in sub-section (1) may award the punishment of censure to any police officer of subordinate rank;

(b) the Assistant Commissioner of Police may award the punishment of censure to police officers of, or below, the rank of Sub-Inspectors of Police;

(c) any police officer of, and above, the rank of Inspector may award punishment drill not exceeding fifteen days or fatigue duty or any other punitive duty to constables.

(3) Nothing in sub-section (1) or sub-section (2) shall affect any police officer's liability for prosecution and punishment for any offence committed by him.

(4) The Commissioner of Police, Additional Commissioner of Police, Deputy Commissioner of Police, Additional Deputy Commissioner of Police, Principal of the Police Training College or of the Police Training School, Assistant Commissioner of Police, or any other police officer of equivalent rank may suspend any police officer of subordinate rank who

is reasonably suspected to be guilty of misconduct, pending an investigation or enquiry into such misconduct.

(5) An Inspector of Police may suspend any police officer below the rank of Sub-Inspector of Police, who is reasonably suspected to be guilty of misconduct, pending an investigation or enquiry into such misconduct.

Procedure
for
awarding
punish-
ments.

22. When any officer passes an order of awarding a punishment of dismissal, removal from service, reduction in rank, forfeiture of service, reduction in pay, withholding of increments or fine, he shall record such order or cause the same to be recorded together with the reasons therefor, in accordance with the rules.

Appeal
from
orders of
punish-
ment.

23. An appeal against any order of punishment passed against a police officer under section 21 or the rules thereunder [not being an order of punishment under clause (c) of sub-section (2) of that section] shall lie—

(a) where the order is passed by the Commissioner of Police, to the Administrator;

(b) where the order is passed by an Additional Commissioner of Police, to the Commissioner of Police;

(c) where the order is passed by a Deputy Commissioner of Police, Additional Deputy Commissioner of Police, Principal of the Police Training College or School, Assistant Commissioner of Police or any other officer of equivalent rank, to the Additional Commissioner of Police.

Police offi-
cers to be
deemed to
be always
on duty
and
to be
liable
to employ-
ment in
any part of
Delhi.

24. Every police officer not on leave or under suspension shall for all purposes of this Act be deemed to be always on duty and any police officer or any number or body of police officers allocated for duty in any part of Delhi may, if the Commissioner of Police so directs, at any time, be employed on police duty in any other part of Delhi for so long as the services of the police officer or number or body of police officers may be required in such other part of Delhi.

Circums-
stances
under
which
police
officer of
subordi-
nate
rank may
resign.

25. (1) Resignation of any police officer of subordinate rank may be accepted only by the officer empowered to appoint (the officer so empowered to appoint being hereafter in this section referred to as the appointing authority) officers of such subordinate rank.

(2) A police officer of subordinate rank who intends to resign from police service shall give to the appointing authority notice in writing to that effect and shall not be permitted to withdraw himself from duty unless he has been granted permission to resign by such authority and two months have elapsed from the date on which he tendered his resignation:

Provided that the appointing authority may at his discretion, permit a Head Constable or a constable to withdraw himself from duty on his crediting to the Government two months' pay in lieu of notice.

(3) A Head Constable or a constable who has agreed to serve for any specific period may not be permitted to resign before the expiry of that period.

(4) Inspectors, Sub-Inspectors or Assistant Sub-Inspectors of Police, whose appointments involve training at any Police Training College or

Police Training School may not be permitted to resign within three years from the date of their successfully completing the training.

(5) No police officer of subordinate rank whose resignation has been accepted by the appointing authority shall be permitted to withdraw from duty until he has fully discharged all debts, due from him as such police officer to Government or to any police fund and has surrendered his certificate of appointment, arms, accoutrements, uniform and all other Government property in his possession and has also rendered a complete account of all Government money and property for which he is responsible.

(6) Notwithstanding anything contained in this section if any police officer of subordinate rank tenders his resignation on medical grounds and produces a certificate signed by the police surgeon or any other medical officer authorised by the Administrator in this behalf declaring him to be unfit by reason of disease or mental or physical incapacity for further service in the police, the appointing authority shall forthwith permit him to withdraw from duty on his discharging, or giving a satisfactory security for the payment of, any debt due from him as such police officer to Government or to any police fund:

Provided that he shall forthwith return the certificate of appointment, arms, accoutrements, uniform and all other Government property in his possession before he is permitted to withdraw from duty.

(7) If any such police officer of subordinate rank resigns or withdraws himself from the duties of his office in contravention of this section, he shall be liable on the orders of the appointing authority to forfeit all arrears of pay then due to him in addition to the penalty to which he may be liable under section 22 or any other law for the time being in force.

(8) Every such police officer on leaving the service in the Delhi police as aforesaid shall be given by the appointing authority a Discharge Certificate in such form as may be prescribed.

26. (1) Every person who for any reason ceases to be a police officer shall forthwith deliver to the officer empowered by the Commissioner of Police, the Additional Commissioner of Police, Deputy Commissioner of Police, Principal of the Police Training College or of the Police Training School, Additional Deputy Commissioner of Police or any other officer of equivalent rank to whom such officer is subordinate, to receive the same, his certificate of appointment and the arms, accoutrements, clothing and other accessories which have been provided to him for the performance of duties and functions connected with his office.

Certifi-
cate,
arms, etc.,
to be deli-
vered by
person
ceasing
to be a
police
officer.

(2) (a) Any Metropolitan Magistrate and, for special reasons which shall be recorded in writing at the time, the Commissioner of Police, Additional Commissioner of Police, Principal of the Police Training College or of the Police Training School or a Deputy Commissioner, Additional Deputy Commissioner or an Assistant Commissioner of Police may issue a warrant to search for and seize wherever they be found, any certificate, arms, accoutrements, clothing or other accessories not delivered under sub-section (1).

(b) Every warrant so issued shall be executed by a police officer or, if the Metropolitan Magistrate or the police officer issuing the warrant so directs, by any other person in the same manner as if it were a warrant for a search issued under the Code of Criminal Procedure, 1973.

2 of 1974.

(3) Nothing in this section shall apply in relation to any article which under the orders of the Commissioner of Police has become the property of the person to whom the same was provided.

Occupation of, and liability to vacate, premises provided for police officers.

27. (1) A police officer occupying any premises provided by the Commissioner of Police for his residence shall—

(a) occupy the same subject to such terms and conditions as may, by general or special order, be specified by the Commissioner of Police; and

(b) notwithstanding anything contained in any law for the time being in force, vacate the same on his ceasing to be a police officer or whenever the Commissioner of Police or any officer authorised by the Administrator in this behalf considers it, for reasons to be recorded in writing, necessary and expedient to require him to do so.

(2) If any person who is bound or required under sub-section (1) to vacate any premises fails to do so, the Administrator or the officer authorised in this behalf by the Administrator may order such person to vacate the premises and may direct any police officer with such assistance as may be necessary to enter upon the premises and remove therefrom any person found therein and to take possession of the premises and deliver the same to any person specified in the direction.

CHAPTER IV

POLICE REGULATIONS

Power to make regulations for regulating traffic and for preservation of order in public places, etc.

28. (1) The Commissioner of Police may, by notification in the Official Gazette, make regulations to provide for all or any of the following matters, namely:—

(a) licensing and controlling persons offering themselves for employment, outside railway stations and other places where passengers arrive, for the carriage of passengers' baggages and fixing and providing for the enforcement of a scale of charges for the labour of such persons so employed;

(b) regulating traffic of all kinds in streets and other public places, and the use of streets and other public places by persons riding, driving, cycling, walking or leading or accompanying cattle, so as to prevent danger, obstruction or inconvenience to the public;

(c) regulating the conditions under which vehicles may remain standing in streets and other public places, and the use of streets as halting places for vehicles or cattle;

(d) specifying the number and position of lights to be used on vehicles in streets and the hours between which such lights should be used;

(e) licensing, controlling or prohibiting the erection, exhibition, fixation or retention of any sign device or representation for the

purpose of advertisement, which is visible against the sky from some point in any street and is hoisted or held aloft over any land, building or structure at such height as may be specified in the regulations, having regard to the traffic in the vicinity, and the likelihood of such sign, device or representation at that height being a distraction, or causing obstruction, to such traffic;

(f) specifying certain hours of the day during which cattle shall not be driven, or, as the case may be, driven only in accordance with such regulations, along the streets, or along certain specified streets;

(g) regulating the leading, driving, conducting or conveying of any elephant or wild or dangerous animal through or in any street;

(h) regulating and controlling the manner and mode of conveying timber, scaffold poles, ladders, iron girders, beams or bars, boilers or other unwieldy articles through the streets, and the route and hours for such conveyance;

(i) licensing, controlling or, in order to prevent obstruction, inconvenience, annoyance, risk, danger or damage to the residents or passengers in the vicinity, prohibiting the carrying in streets and public places of gunpowder or any other explosive substance;

(j) prohibiting, except along certain specified streets and during specified hours and subject to such conditions as may be specified in that behalf, the exposure or movement in any street of persons or animals suffering from contagious or infectious diseases, the carcasses of animals or parts of such carcasses or corpses of persons deceased;

(k) specifying certain hours of the day during which ordure or offensive matter or objects shall not be taken from or into houses or buildings in certain streets or conveyed through such streets except in accordance with such regulations;

(l) setting apart places for slaughtering animals, the cleaning of carcasses or hides, the deposit of noxious or offensive matter and for obeying calls of nature;

(m) in cases of existing or apprehended epidemic or infectious disease of men or animals, the cleanliness and disinfection of premises by the occupier thereof and residents therein and the segregation and management of the persons or animals diseased or supposed to be diseased, as may have been directed or approved by the Administrator, with a view to prevent the disease or check the spread thereof;

(n) directing the closing or disuse, wholly or for certain purposes, or limiting to certain purposes only, the use of any source, supply or receptacle of water and providing against pollution of the same or of the water therein;

(o) licensing, controlling or, in order to prevent obstruction, inconvenience, annoyance, risk, danger or damage to the residents or passengers in the vicinity, prohibiting the playing of music, the beating of drums, tom-toms or other instruments and the blowing or sounding of horns or other noisy instruments in or near streets or other public places;

(p) regulating the conduct of or behaviour or action of persons constituting assemblies and processions on or along the streets and specifying in the case of processions, the routes by which, the order in which, and the times at which, the same may pass;

(q) prohibiting the hanging or placing of any cord or pole across a street or part thereof, or the making of a projection or structure so as to obstruct traffic or the free access of light and air;

(r) prohibiting, except in accordance with such regulations, the placing of building materials or other articles or the fastening or detention of any horse or other animals in any street or public place;

(s) licensing, controlling or, in order to prevent obstruction, inconvenience, annoyance, risk, danger or damage to the residents or passengers in the vicinity, prohibiting—

(i) the illumination of streets and public places and the exteriors of building abutting thereon by persons other than servants of Government or Corporation or other Municipal officers duly authorised in that behalf, •

(ii) the blasting of rock or making excavations in or near streets or public places,

(iii) the using of a loudspeaker in or near any public place or in any place of public entertainment;

(t) closing certain streets or places temporarily, in cases of danger from ruinous buildings or other cause, with such exceptions as shall appear reasonable;

(u) guarding against injury to person and property in the construction, repair and demolition of buildings, platforms and other structures from which danger may arise to passengers, neighbours or the public;

(v) prohibiting the setting of fire to or burning of any straw or other matter, or lighting a bonfire or wantonly discharging a fire-arm or air-gun, or letting off or throwing a fire work or, sending up a fire balloon or rocket in or upon a street or within fifty feet of a street or building or the putting up of any post or other thing on the side of or across a street for the purpose of affixing thereto lamps or other contrivances for illumination except in accordance with regulations in this behalf;

(w) regulating the hours during which and the manner in which any place for the disposal of the dead, any *dharmashala*, village-gate or other place of public resort may be used, so as to secure the equal and appropriate application of its advantages and accommodation and to maintain orderly conduct amongst those who resort thereto;

(x) (i) licensing or controlling places of public amusement or public entertainment;

(ii) prohibiting the keeping of places of public amusement or public entertainment or assembly, in order to prevent obstruction, inconvenience, annoyance, risk, danger or damage to the residents or passengers in the vicinity; and

(iii) regulating the means of entrance and exit at places of public amusement or public entertainment or assembly and providing for the maintenance of public order and the prevention of disturbance thereat;

(y) (i) licensing or controlling in the interest of public order, decency or morality or in the interest of the general public (with such exceptions as may be specified in such regulations), musical, dancing, mimetic or theatrical or other performances for public amusement, including *melas*;

(ii) regulating in the interest of public order, decency or morality or in the interest of the general public, the employment of artists and the conduct of the artists and the audience at such performances;

(iii) prior scrutiny of such performances and of the scripts in respect thereof, if any, and granting of suitability certificate therefor subject to conditions, if any, by a Board appointed by the Administrator for the purpose, either for the whole of Delhi or for the area concerned or by an Advisory Committee constituted by the Commissioner of Police (the members of the Board or the Advisory Committee being persons who in the opinion of the Administrator or, as the case may be, the Commissioner, possess knowledge of, or experience in, literature, the theatre and other matters relevant to such scrutiny), provision for appeal against the order or decision of the Board or the Advisory Committee to an appellate authority, its appointment or constitution, its procedure and other matters ancillary thereto, and the fees (whether in the form of court-fee stamps or otherwise) to be charged for the scrutiny of such performances or scripts, for applications for obtaining such certificates and for issuing duplicates thereof and in respect of such appeals and any such performances and of the scripts in respect thereof granted suitability certificate by any State shall be exempted from this section;

(iv) regulating the hours during which and the places at which such performances may be given;

(z) regulating or prohibiting the sale of any ticket or pass for admission, by whatever name called, to a place of public amusement;

(za) registration of eating houses, including granting a certificate of registration in each case, which shall be deemed to be a written permission required and obtained under this Act for keeping the eating house, and annual renewal of such registration within a specified period;

(zb) prescribing the procedure in accordance with which any licence or permission sought to be obtained or required under this Act should be applied for and fixing the fees to be charged for any such licence or permission:

Provided that nothing in this section and no licence or certificate of registration granted under any regulation made thereunder shall authorise any person to import, export, transport, manufacture, sell or

possess any liquor, or intoxicating drug, in respect of which a licence, permit, pass or authorisation is required under any law relating to prohibition which is for the time being in force.

(2) The power to make regulations under clause (b) of sub-section (1) shall be subject to the control of the Administrator and the power to make regulations under the other clauses of that sub-section shall be subject to the previous sanction of the Administrator.

(3) The power of making regulations under this section shall be subject to the condition of the regulations being made, after previous publication and for the purposes of section 23 of the General Clauses Act, 1897 such regulations shall be deemed to be rules; and every regulation made, under this section, shall also be published in the locality affected thereby by affixing copies thereof in conspicuous places near to the building, structure, work or place, as the case may be, to which the same specially relates or by proclaiming the same by the beating of drum or by advertising the same in such local newspapers in Hindi, Urdu and English, or in two or more of these languages, as the Commissioner of Police may deem fit, or by any two or more of these means, or by any other means he may think suitable:

10 of 1897

Provided that any such regulation may be made without previous publication if the Commissioner of Police is satisfied that circumstances exist which render it necessary that such regulation should be brought into force at once.

(4) If any regulation made under this section relates to any matter with respect to which there is a provision in any law, rule or bye-law of the Corporation or of any other municipal or local authority in relation to public health, convenience or safety of the locality such regulation shall be subject to such law, rule or bye-law.

Power to give directions to the public.

29. The Commissioner of Police and, subject to the orders, if any, made by the Commissioner of Police, every police officer not inferior in rank to an Inspector, may from time to time as occasion may arise, but not so as to contravene any regulation made under section 28 or any law, rule, or bye-law referred to in sub-section (4) of that section, give all such orders either orally or in writing as may be necessary to—

(a) direct the conduct of, and behaviour or action of persons constituting processions or assemblies on or along streets;

(b) specify the routes by which and the times at which any such processions may pass or shall not pass;

(c) prevent obstructions—

(i) on the occasion of all processions and assemblies; and

(ii) in the neighbourhood of all places of worship during the time of worship; and

(iii) in all cases when any street or public place or place of public resort may be thronged or liable to be obstructed;

(d) keep order on, and in, all streets, and at, and within, public bathing and washing places, fairs, temples, mosques, gurdwaras, churches and all other places of public resort or public worship;

(e) regulate and control the playing of music, singing or the beating of drums, tom-toms and other instruments and the blowing or sounding of horns or other noisy instruments in, and near, any street or public place;

(f) regulate and control the use of loudspeakers in residential areas, streets, near any public places and places of public amusement or public entertainment; or

(g) make reasonable orders consequential to, and in furtherance of, any order made under this section.

30. (1) The Commissioner of Police may, whenever and for such time as he shall consider necessary for the preservation of public peace or public safety, by notification publicly promulgated or addressed to individuals, prohibit, in relation to the whole of Delhi or any part thereof,—

Power to prohibit certain acts for prevention of disorder.

(a) the carrying of arms, cudgels, swords, spears, bludgeons, guns, knives, sticks or lathis, or any other article, which is capable of being used for causing physical violence;

(b) the carrying of any corrosive substance or explosives;

(c) the carrying, collection or preparation of stones or other missiles or instruments or means of casting or impelling missiles;

(d) the exhibition of persons or corpses;

(e) the public utterance of cries, singing of songs or playing of music; or

(f) the delivery of harangues, the use of gestures or mimetic representations, and the preparation, exhibition or dissemination of pictures, symbols, placards or any other subject or thing which may, in the opinion of the Commissioner of Police, offend against decency or morality or undermine the security of the State.

(2) If any person goes armed with any such article as is referred to in clause (a) of sub-section (1) or carries any corrosive substance or explosive or missile or instrument in contravention of any prohibition under that sub-section, the article, corrosive substance or explosive or missile shall be liable to be seized from him by any police officer.

(3) The Commissioner of Police may, by notification publicly promulgated prohibit any assembly or procession whenever and for such time as he considers such prohibition to be necessary for the preservation of the public order.

(4) No notification promulgated under sub-section (3) shall remain in force for more than fifteen days from the promulgation thereof:

Provided that if the Administrator considers it necessary so to do for the preservation of the public order he may, by order published in the Official Gazette, direct that such notification shall remain in force for such further period not exceeding six months from the date on which it would have, but for such order, expired as he may specify in the said order.

Police to provide against disorder, etc., at places of public amusement or public assembly or meeting

31. (1) For the purpose of preventing serious disorder or breach of the law or manifest and imminent danger to the persons assembled at any place of public amusement or at any assembly or meeting to which the public are invited or which is open to the public, any police officer of the rank of Assistant Sub-Inspector and above, present at such place of public amusement, or such assembly or meeting, may subject to such rules, regulations and orders as may have been lawfully made give such reasonable directions as to the mode of admission of the public to, and for securing the peaceful and lawful conduct of the proceedings and the maintenance of the public safety at, such place of amusement or such assembly or meeting as he thinks necessary and all persons shall be bound to conform to every such reasonable direction.

(2) Every police officer shall have free access to every place of public amusement, assembly or meeting for the purpose of giving effect to the provisions of sub-section (1) and to any direction made thereunder.

Power to prohibit, etc., continuance of music, sound or noise.

32. (1) If the Commissioner of Police is satisfied from the report of an officer in charge of a Police Station, or other information received by him, that it is necessary to do so in order to prevent annoyance, disturbance, discomfort or injury, or risk of annoyance, disturbance, discomfort or injury, to the public or to any person who dwells, or occupies property, in the vicinity, he may, by written order, issue such directions as he may consider necessary to any person for preventing, prohibiting, controlling or regulating—

(a) the incidence or continuance in any street, open space or any other premises of—

(i) any vocal or instrumental music;

(ii) sounds caused by the playing, beating, clashing, blowing or use in any manner whatsoever of any instrument, appliance or apparatus or contrivance which is capable of producing or reproducing sound; or

(iii) use of loudspeaker or other apparatus for amplifying any musical or other sound at such pitch or volume as may cause disturbance to others, or

(b) the carrying on, in any premises, of any trade, avocation or operation resulting in or attended with noise:

Provided that no directions shall be issued to any person under clause (b) without giving to such person an opportunity of being heard in the matter.

(2) The Commissioner of Police may, either on his own motion or on the application of any person aggrieved by an order made under sub-section (1), either rescind, modify or alter any such order:

Provided that before any such application is disposed of, the Commissioner of Police shall afford to the applicant an opportunity of appearing before him either in person or by counsel and showing cause against the order and shall, if he rejects any such application either wholly or in part, record the reasons for such rejection

33. (1) In order to prevent or suppress any riot or grave disturbance of peace, the Commissioner of Police may temporarily close or take possession of any building or other place and may exclude all or any persons therefrom, or may allow access thereto such persons only and on such terms as he shall deem expedient and all persons concerned shall be bound to conduct themselves in accordance with such orders as the Commissioner of Police may make and notify in exercise of his powers under this section.

Issue of
order for
preven-
tion of
riot, etc.

(2) If the lawful occupant of such building or place suffers any loss or injury by reason of the action taken under sub-section (1), he shall be entitled, on an application made therefor to the competent authority within one month from the date of such action, to receive reasonable compensation for such loss or injury, unless such action was in the opinion of such competent authority rendered necessary either by the use to which such building or place was put, or intended to be put, or by the misconduct of persons having access thereto.

(3) In the event of any dispute in relation to the amount of compensation payable under sub-section (2) or the person to whom such amount shall be payable, the matter shall be referred by the competent authority to the District Collector whose decision thereon shall be final.

34. (1) In any case of an actual or intended religious or ceremonial or corporate display or exhibition or organised assemblage in any street or public place, as to which or the conduct of, or participation in, which, it shall appear to the competent authority that a dispute or contention exists, which is likely to lead to grave disturbance of the peace, the competent authority may give such orders as to the conduct of the persons concerned towards each other and towards the public as it shall deem necessary and reasonable under the circumstances, regard being had to the apparent legal rights and to any established practice of the parties and of the persons interested and all persons concerned shall obey such orders.

Mainten-
ance of
order at
religious
or
ceremo-
nial
display,
etc.

(2) Every such order shall be published in the locality or place wherein it is to operate.

(3) Every order under sub-section (1) shall be subject to any judgment, decree, injunction or order made by a court having jurisdiction, and shall be rescinded or altered on its being made to appear to the competent authority that such order is inconsistent with a judgment, decree, injunction or order of such court.

35. (1) Whenever it shall appear to the Commissioner of Police that any place in Delhi (being a place where on account of a pilgrimage, fair or other such occurrence, large bodies of persons have assembled or are likely to assemble) is visited or likely to be visited with an outbreak of any epidemic disease, he may in consultation with the Corporation or municipality within the local limits of the jurisdiction whereof such place is situated take such special measures and may by a public notice prescribe such regulations to be observed by residents of the said place and persons present thereat or repairing thereto or returning therefrom as he deems necessary to prevent the outbreak of such disease or the spread thereof.

Commis-
sioner of
Police
may take
special
measures
to prevent
outbreak
of epi-
demic
disease at
fairs, etc.

(2) The expenses incurred by the Commissioner of Police in respect of the arrangements for sanitation and the preservation of order at or about the place of assembly referred to in sub-section (1) may be recovered from the Corporation or the municipality concerned.

Power to reserve street or other public place for public purpose and power to authorise erecting of barriers in streets.

36. (1) The Commissioner of Police may, by public notice, temporarily reserve for any public purpose any street or other public place and prohibit persons from entering the area so reserved, except on such conditions as may be specified by him.

(2) The Commissioner of Police may, whenever in his opinion such action is necessary,—

(a) authorise such police officer as he thinks fit to erect barriers on any street for the purpose of stopping temporarily vehicles driven on such street so as to satisfy himself that the provisions of any law for the time being in force have not been contravened in respect of any such vehicle or by the driver or the person in charge of such vehicle; and

(b) make such orders as he deems fit for regulating the use of such barriers.

Power to make regulations prohibiting disposal of the dead except at places set apart.

37. (1) The Commissioner of Police may, from time to time, make regulations prohibiting the disposal of the dead, whether by cremation, burial or otherwise at places other than those set apart for such purpose:

Provided that no such regulations shall be made in respect of any area for which places have not been so set apart:

Provided further that the Commissioner of Police or any officer authorised by him in this behalf may, in his discretion, on an application made to him by any person, grant to such person permission to dispose of the corpse of any deceased person at any place other than a place so set apart, if in his opinion such disposal is not likely to cause obstruction to traffic or disturbance of the public peace or is not objectionable for any other reason.

(2) Any regulations made under sub-section (1) shall specify the places set apart for the disposal of the dead of different communities or sections of communities.

(3) All such regulations shall be deemed to be rules for the purposes of section 23 of the General Clauses Act, 1897 and shall be subject to the conditions of previous publication and the date to be specified under clause (3) of that section shall not be earlier than two months from the date on which the draft of the proposed regulations is published.

10 of 1897.

CHAPTER V

SPECIAL MEASURES FOR MAINTENANCE OF PUBLIC ORDER AND SECURITY OF STATE

Employment of additional police to keep peace.

38. (1) The Commissioner of Police may, on the application of any person, depute any additional number of police to keep the peace, to preserve order, to enforce any of the provisions of this Act or of any other law in respect of any particular class or classes of offences or to perform any other duties imposed on the police at any place in Delhi.

(2) Such additional police shall be employed at the cost (which shall be determined by the Commissioner of Police in accordance with the rules made in this behalf) of the person making the application, but shall be subject to the orders of the police authorities and shall be employed for such period as the Commissioner of Police considers necessary.

(3) If the person upon whose application such additional police are employed shall at any time make a written requisition to the Commissioner of Police for the withdrawal of the said police, he shall be relieved from the cost thereof at the expiration of such period not exceeding one week from the date of the delivery of such requisition as the Commissioner of Police shall determine.

(4) Where there is any dispute as to the amount to be paid by way of cost, the Commissioner of Police shall, on an application made in that behalf by the aggrieved party, refer the matter to the District Collector, whose decision thereon shall be final.

39. (1) If in the opinion of the Administrator any area in Delhi is in a disturbed or dangerous condition or the conduct of the inhabitants or of any particular section or class of the inhabitants of such area renders it expedient to employ temporarily additional police in the area, he may, by notification in the Official Gazette, specify the area (hereafter in this section referred to as the disturbed area) in which, and the period for which, the additional police shall be employed and thereupon the Commissioner of Police shall depute such number of additional police officers as he considers necessary, in the disturbed area:

Provided that the period so specified may be extended by the Administrator from time to time, if in his opinion it is necessary so to do in the interests of the public.

(2) On the issue of notification under sub-section (1), the Administrator may require the District Collector, or any other authority specified by the Administrator, to recover, whether in whole or in part, the cost of such additional police generally from all persons who are inhabitants of the disturbed area or specially from any particular section or class of such persons, and in such proportion as the Administrator may direct.

(3) It shall be lawful for the Administrator to exempt, by order in writing, and for sufficient reasons, any person from liability to bear any portion of the cost of such additional police.

*Explanation.—*In this section and in section 41, the expression "inhabitants", when used in relation to any disturbed area, includes persons who themselves or by their agents or servants occupy or hold land or other immovable property within such area and landlords who themselves or by their agents or servants collect rent from holders or occupants of land in such area notwithstanding that they do not actually reside therein.

Employ-
ment of
additional
police in
cases of
special
danger
to public
peace.

Employ-
ment of
additional
police at
large
work
and
when
apprehen-
sion
regarding
behaviour
of em-
ployees
exists.

40. (1) Whenever it appears to the Administrator or to the competent authority that—

(a) Any large work which is being carried on or any public amusement which is being conducted in any place is likely to impede the traffic or to attract a large number of people; or

(b) the behaviour or a reasonable apprehension of the behaviour of the persons employed on any railway, canal or other public work, or in or upon any manufactory or other commercial concern, under construction or in operation at any place necessitates the employment of additional police at such place,

the Administrator, or the competent authority, as the case may be, may depute such number of additional police to the said place for so long as the necessity to employ the additional police shall appear to the Administrator or the competent authority to continue.

(2) Such additional police shall be employed at the cost of the person by whom the work, public amusement, manufactory or concern is being constructed, conducted or carried on and the said person shall pay the costs therefor at such rates as the Administrator or the competent authority, as the case may be, shall from time to time require.

Compens-
ation for
injury
caused by
unlawful
assembly
how recov-
erable.

41. (1) When any loss or damage is caused to any property or when death results or grievous hurt is caused to any person or persons, by anything done in the prosecution of the common object of an unlawful assembly, the Administrator may, by notification in the Official Gazette, specify the area (hereafter in this section called the "disturbed area") in which, and the date on which or the period during which, such unlawful assembly was, in his opinion, held.

(2) On the issue of a notification under sub-section (1), the District Collector may, after such inquiry as he deems necessary, determine the amount of the compensation which, in his opinion, should be paid to any person or persons in respect of the loss or damage or death or grievous hurt aforesaid.

(3) The amount of the compensation shall be deemed to be a fine imposed under this section, and shall be payable by the inhabitants of the disturbed area.

(4) It shall be lawful for the District Collector to exempt, by order in writing and for sufficient reasons, any person from liability to pay any portion of the compensation amount.

Dispute
in regard
to cost of
deputing
additional
police or
compensa-
tion under
section 41.

42. In the event of any dispute relating to the cost payable under section 39 or section 40 or the compensation determined under section 41 of the person or persons or the section or class of persons by whom or the proportion in which such cost or compensation should be paid, the matter shall be referred by the Collector, or the Administrator or the competent authority, as the case may be, on an application made in that behalf by the aggrieved party, to the Chief Metropolitan Magistrate, whose decision thereof shall be final.

43. Any amount payable under section 38, section 39, section 40 or section 41 shall be recovered in the same manner as if it were an arrear of land revenue.

Recovery
of
amount
payable
under
section
38, 39, 40
or 41

44. (1) Amounts payable under section 38, section 39, section 40 or section 41 shall, when recovered, be credited to the Government.

Collector
to award
compen-
sation.

(2) The District Collector shall pay, from the amounts recovered by him as compensation payable under section 41, such amount as he deems just and proper by way of compensation to any person who has suffered loss or damage to property or grievous hurt or to the legal heirs of any person who died, by reason of anything done in the prosecution of the common object of the unlawful assembly.

(3) No compensation shall be paid under this section, except when a claim has been made therefor within forty-five days from the date of the notification referred to in sub-section (1) of section 41 and the District Collector is satisfied that the claimant, where the claim is by the person who suffered the loss, damage or grievous hurt, or the deceased, where the claim is by the legal heirs of such deceased, has been free from blame in connection with the occurrence which led to the loss, damage, grievous hurt or death.

(4) The compensation payable to any person under sub-section (2) shall not in any way be capable of being assigned or charged or be liable to attachment or to pass to any person other than the person entitled to it by operation of law, nor shall any claim be set off against the same.

(5) No civil suit shall be maintainable in respect of any loss, damage or grievous hurt for which compensation has been granted under this section.

Recovery
of
amounts
payable
under
sections
39 and 41.

2 of 1974.

45. Without prejudice to the provisions contained in section 43, all amounts payable under section 39 or section 41 shall be recoverable in the manner provided in sections 421 and 422 of the Code of Criminal Procedure, 1973, as if each such amount were a fine imposed on an offender by a court.

46. Whenever it appears to the Commissioner of Police that the movement or encampment of any gang or body of persons in any part of Delhi is causing or is calculated to cause danger to person or property or alarm or reasonable suspicion that unlawful designs are entertained by such gang or body of persons or by members thereof, the Commissioner of Police may, by order addressed to the persons appearing to be the leaders or chief men of such gang or body of persons and published by announcement or beat of drums, or otherwise as the Commissioner of Police thinks fit direct the members of such gang or body of persons—

Dispersal
of gangs
and
bodies of
persons

(a) to so conduct themselves as shall seem necessary in order to prevent violence and alarm; or

(b) to disperse and to remove themselves beyond the limits of Delhi, or any part thereof, within such time as the Commissioner

of Police shall specify and not to enter Delhi or the part thereof, as the case may be, from which they were directed to remove themselves.

Removal
of per-
sons
about to
commit
offences.

47. Whenever it appears to the Commissioner of Police—

(a) that the movements or acts of any person are causing or are calculated to cause alarm, danger or harm to person or property; or

(b) that there are reasonable grounds for believing that such person is engaged or is about to be engaged in the commission of an offence involving force or violence or an offence punishable under Chapter XII, Chapter XVI, Chapter XVII or Chapter XXII of the Indian Penal Code or under section 290 or sections 489A to 489E (both inclusive) of that Code or in the abetment of any such offence; or

(c) that such person—

(i) is so desperate and dangerous as to render his being at large in Delhi or in any part thereof hazardous to the community; or

(ii) has been found habitually intimidating other persons by acts of violence or by show of force; or

(iii) habitually commits affray or breach of peace or riot, or habitually makes forcible collection of subscription or threatens people for illegal pecuniary gain for himself or for others; or

(iv) has been habitually passing indecent remarks on women and girls, or teasing them by overtures;

45 of 1880.

and that in the opinion of the Commissioner of Police witnesses are not willing to come forward to give evidence in public against such person by reason of apprehension on their part as regards the safety of their person or property, the Commissioner of Police may, by order in writing duly served on such person, or by beat of drum or otherwise as he thinks fit, direct such person to so conduct himself as shall seem necessary in order to prevent violence and alarm or to remove himself outside Delhi or any part thereof, by such route and within such time as the Commissioner of Police may specify and not to enter or return to Delhi or part thereof, as the case may be, from which he was directed to remove himself.

Explanation.—A person who during a period within one year immediately preceding the commencement of an action under this section has been found on not less than three occasions to have committed or to have been involved in any of the acts referred to in this section shall be deemed to have habitually committed that act.

Removal
of per-
sons con-
victed of
certain
offences.

48. If a person has been convicted—

(a) of an offence under Chapter XII, Chapter XVI or Chapter XVII of the Indian Penal Code; or

45 of 1880.

(b) of an offence under section 3 or section 4 of the Delhi Public Gambling Act, 1955, or under section 12 of that Act in so far as it relates to satta gambling or on two or more occasions under any other provision of that Act (including section 12 of that Act in so far as it does not relate to satta gambling); or

Delhi Act
9 of 1955.

104 of 1956.

(c) of any offence under the Suppression of Immoral Traffic in Women and Girls Act, 1956; or

54 of 1959.

(d) of any offence under section 25, section 26, section 27, section 28 or section 29 of the Arms Act, 1959; or

52 of 1962.

(e) of any offence under section 135 of the Customs Act, 1962; or

Punjab
Act No. 18
of 1955.

(f) of any offence under section 61, section 63 or section 66 of the Punjab Excise Act, 1955, as in force in Delhi; or

(g) on two or more occasions of an offence under—

1 of 1878.

(i) the Opium Act, 1878; or

2 of 1930.

(ii) the Dangerous Drugs Act, 1930; or

23 of 1940.

(iii) the Drugs and Cosmetics Act, 1940; or

Bombay
Act No.
10 of 1960.

(iv) section 11 of the Bombay Prevention of Begging Act, 1959, as in force in Delhi; or

(h) on three or more occasions of an offence under section 105 or section 107 of this Act,

the Commissioner of Police may, if he has reason to believe that such person is likely again to engage himself in the commission of any of the offences referred to in this section, by order in writing, direct such person to remove himself beyond the limits of Delhi or any part thereof, by such route and within such time as the Commissioner of Police may specify and not to enter or return to Delhi or any part thereof, as the case may be, from which he was directed to remove himself.

49. Any direction made under section 46, section 47 or section 48 not to enter Delhi or any part thereof, shall be for such period as may be specified therein, and shall in no case exceed a period of two years from the date on which it was made.

Period of
operation
of orders
under
section 46,
47 or 48.

50. (1) Before an order under section 46, section 47 or section 48 is made against any person, the Commissioner of Police shall by notice in writing inform him of the general nature of the material allegations against him and give him a reasonable opportunity of tendering an explanation regarding them.

Hearing
to be
given
before
order
under
section
46, 47 or
48 is
passed.

(2) If such person makes an application for the examination of any witness to be produced by him, the Commissioner of Police shall grant such application and examine such witness, unless for reasons to be recorded in writing, the Commissioner of Police is of opinion that such application is made for the purpose of causing vexation or delay.

(3) Any written explanation put in by such person shall be filed with the record of the case.

(4) Such person shall be entitled to be represented in the proceeding before the Commissioner of Police by a counsel.

(5) (a) The Commissioner of Police may for the purpose of securing the attendance of any person against whom any order is proposed to be made under section 46, section 47 or section 48 require such person, by order in writing, to appear before him and to furnish a security bond with or without sureties for attendance during the inquiry.

(b) The provisions of sections 119 to 124 (both inclusive) of the Code of Criminal Procedure, 1973, shall, so far as may be, apply in relation to the order under clause (a) to furnish security bond.

2 of 1974.

(6) Without prejudice to the foregoing provisions, the Commissioner of Police, while issuing notice to any person under sub-section (1) may issue a warrant for his arrest and the provisions of sections 70 to 89 (both inclusive) of the Code of Criminal Procedure, 1973, shall, so far as may be, apply in relation to such warrant.

2 of 1974.

(7) The provisions of section 445, section 446, section 447 or section 448 of the Code of Criminal Procedure, 1973, shall, so far as may be, apply in relation to all bonds executed under this section.

2 of 1974.

**Appeal
against
orders
under
section
46, 47 or 48.**

51. (1) Any person aggrieved by an order made under section 46, section 47 or section 48 may appeal to the Administrator within thirty days from the date of the service of such order on him.

(2) An appeal under this section shall be preferred in duplicate in the form of a memorandum, setting forth concisely the grounds of objection to the order appealed against, and shall be accompanied by that order or a certified copy thereof.

(3) On receipt of such appeal, the Administrator may, after giving a reasonable opportunity to the appellant to be heard either personally or by a counsel and after such further inquiry, if any, as he may deem necessary, confirm, vary or set aside the order appealed against:

Provided that the order appealed against shall remain in force pending the disposal of the appeal, unless the Administrator otherwise directs.

(4) The Administrator shall make every endeavour to dispose of an appeal under this section within a period of three months from the date of receipt of such appeal.

(5) In calculating the period of thirty days provided for an appeal under this section, the time taken for obtaining a certified copy of the order appealed against, shall be excluded.

**Finality
of order
in certain
cases.**

52. An order passed by the Commissioner of Police under section 46, section 47 or section 48 or the Administrator under section 51 shall not be called in question in any court except on the ground—

(a) that the Commissioner of Police or the Administrator, as the case may be, had not followed the procedure laid down in sub-section (1), sub-section (2) or sub-section (4) of section 50 or in section 51, as the case may be; or

(b) that there was no material before the Commissioner of Police or the Administrator, as the case may be, upon which he could have based his order; or

(c) in the case of an order made under section 47 or an order in appeal therefrom to the Administrator under section 51, the Commissioner of Police or the Administrator, as the case may be, was not of the opinion that witnesses were unwilling to come forward to give evidence in public against the person against whom such order has been made.

53. If a person to whom a direction has been issued under section 46, section 47 or section 48 to remove himself from Delhi or any part thereof—

- (a) fails to remove himself as directed; or
- (b) having so removed himself enters Delhi or any part thereof within the period specified in the order, otherwise than with the permission in writing of the Commissioner of Police under section 54,

the Commissioner of Police may cause him to be arrested and removed in police custody to such place outside Delhi or any part thereof as the Commissioner of Police may in each case specify.

54. (1) The Commissioner of Police or any other police officer specially empowered by the Administrator in that behalf may, by order in writing, permit any person, in respect of whom an order under section 46, section 47 or section 48 has been made, to return to Delhi or any part thereof, from which he was directed to remove himself, for such temporary period and subject to such conditions as may be specified in such order and may require him to execute a bond with or without surety for the due observance of the conditions imposed.

(2) The Commissioner of Police may at any time revoke any such permission.

(3) Any person who with such permission returns to Delhi or any part thereof shall observe the conditions imposed, and at the expiry of the temporary period for which he was permitted to return, or on the revocation of such permission before the expiry of such temporary period, shall remove himself outside Delhi or any part thereof, as the case may be, and shall not return thereto within the unexpired portion of the period specified in the original order made under section 46, section 47 or section 48 without a fresh permission.

(4) If such person fails to observe any of the conditions imposed, or to remove himself accordingly or having so removed himself enters or returns to Delhi or any part thereof, as the case may be, without fresh permission, the Commissioner of Police may cause him to be arrested and removed in police custody to such place outside Delhi or part thereof as the Commissioner of Police may in each case specify.

55. Every person against whom an order has been made under section 46, section 47 or section 48 shall, if so required by the Commissioner of Police, allow his measurements and photograph to be taken by a police officer in the prescribed manner.

Procedure
on failure
of person
to leave
the area
and his
entry
therein
after
removal.

Tempo-
rary per-
mission to
enter and
conse-
quences
of non-
obser-
vance of
conditions
of such
permis-
sion.

Taking
measure-
ments and
photo-
graphs,
etc., of
persons
against
whom an
order
under
section 46,
47 or 48
is made.
Resist-
ance to
the taking
of mea-
surements,
etc.

56. (1) If any person as aforesaid when required to allow his measurements or photograph to be taken resists or refuses to allow the taking of such measurements or photograph, it shall be lawful to use all necessary means to secure the taking thereof.

(2) Resistance to or refusal to allow the taking of measurements

or photographs under this Act shall be deemed to be an offence under section 186 of the Indian Penal Code.

45 of 1860.

(3) Where an order under section 46, section 47 or section 48 is set aside in appeal, all measurements and photographs (including negatives) taken under this section shall be destroyed or made over to the person against whom such order is made.

Banning
of use
of dress,
etc., re-
sembling
uniform
of armed
forces.

57. (1) If the Administrator is satisfied that the wearing in public, by any member of any body, or association or organisation, of any dress or article of apparel resembling any uniform required to be worn by a member of the Armed Forces of the Union or by a member of any police force or of any force constituted by or under any law for the time being in force, is likely to prejudice the security of the State or the maintenance of public order, he may, by a general or special order, prohibit or restrict the wearing, or display, in public of any such dress or article of apparel by any member of such body or association or organisation.

(2) Every general or special order under sub-section (1) shall be published in the manner prescribed for the publication of a public notice under section 142.

*Explanation.—*For the purposes of this section a dress or an article of apparel shall be deemed to be worn or displayed in public if it is worn or displayed in any place to which the public have access.

Constitu-
tion of
Defence
Societies.

58. (1) For the protection of persons, the security of property and the public safety in any locality the Commissioner of Police may constitute voluntary bodies (hereafter in this section referred to as Defence Societies) in the prescribed manner.

(2) The Commissioner of Police or any officer of a Defence Society may at any time call up officers subordinate to him or any member of a Defence Society for training or to discharge any of the duties under this Act assigned to them.

(3) Every officer or member of a Defence Society shall—

(a) on appointment receive a certificate in such form as may be specified or approved by the Administrator in this behalf; and

(b) when called up for duty have the same powers, privileges and protection as are vested in a police officer appointed under this Act.

(4) Notwithstanding anything contained in any law for the time being in force, an officer or member of a Defence Society shall not be disqualified for being chosen as, or for being, a member of—

(a) the Delhi Metropolitan Council or the Municipal Corporation of Delhi; or

(b) any other local authority,

by reason of the fact that he is a member or officer of such Society.

CHAPTER VI

EXECUTIVE DUTIES AND POWERS OF POLICE OFFICERS

59. (1) It shall be the duty of every police officer to ensure compliance with the provisions of this Act or any rule, regulation or order made thereunder and for that purpose such police officer may,—

Duty of
police
officer to
enforce
provisions
of the
Act.

(a) warn persons who from ignorance fail to comply with any provision of this Act or any rule, regulation or order made thereunder;

(b) require any person acting or about to act contrary to any provision of this Act or rule, regulation or order made thereunder, to desist from so doing;

(c) subject to the provisions of sub-sections (2) and (3), arrest any person contravening any provision of this Act or any rule, regulation or order made thereunder, where such contravention is an offence punishable under this Act;

(d) seize any object used, or about to be used, in contravening, or in contravention of, the provisions of this Act or any rule, regulation or order made thereunder, where such contravention is an offence punishable under this Act.

(2) A police officer shall not arrest any person under clause (c) of sub-section (1) without a warrant issued by a Metropolitan Magistrate, unless such person—

(a) has contravened any regulation made under clause (b) of sub-section (1) of section 28;

(b) has contravened any order or notification made under section 29, sub-section (1) or sub-section (2) of section 30, section 32, section 47, section 48 or sub-section (1) of section 57;

(c) commits in the presence of such police officer an offence punishable under section 97, sub-section (1) of section 108, clause (a), (b) or (c) of section 110 or sub-section (2) of section 113 in respect of the contravention of any order made under section 33 or section 34;

(d) has committed, or is reasonably suspected to have committed, an offence punishable under section 100 in relation to any dwelling house, private premises or any other land or ground attached thereto:

Provided that the person in possession or having charge of that dwelling house, private premises or land or ground complains of the commission of such offence;

(e) has committed, or is reasonably suspected to have committed an offence punishable under section 101, section 102 or clause (c) of sub-section (2) of section 113;

(f) commits in his presence in any street or public place any non-cognizable offence punishable under this Act or any rule or regulation made thereunder if such person—

(i) after being warned by the police officer persists in committing such offence; or

(ii) refuses to accompany the police officer to a police station on being required so to do.

(3) The Commissioner of Police or any other police officer especially empowered in this behalf by the Commissioner of Police may arrest without a warrant issued by a Metropolitan Magistrate any person who has committed an offence punishable under section 92.

Other
duties of
a police
officer.

60. It shall be the duty of every police officer—

(a) promptly to serve every summons and obey and execute every warrant or other order lawfully issued to him by the competent authority and to comply with all lawful commands of his superior;

(b) to the best of his ability, to obtain intelligence concerning the commission of cognizable offences or designs to commit such offences and to lay such information and to take such other steps consistent with law and with the orders of his superiors as shall be best calculated to bring offenders to justice and to prevent the commission of cognizable and, within his view, of non-cognizable offences;

(c) to prevent to the best of his ability the commission of public nuisances;

(d) to apprehend without unreasonable delay all persons whom he is legally authorised to apprehend and for whose apprehension there is sufficient reason;

(e) to aid any other police officer when called upon by such other police officer or in the case of need in the discharge of the duty of such other police officer, in such ways as would be lawful and reasonable on the part of the officer aided;

(f) to prevent the breach of the public peace; .

(g) to afford every assistance within his power to disabled or helpless persons in the streets;

(h) to take charge of intoxicated persons and of lunatics at large, who appear dangerous or incapable of taking care of themselves;

(i) to take prompt measures to procure necessary help for any person under arrest or in custody, who is wounded or sick and whilst guarding or conducting any such person to have due regard to his condition;

(j) to arrange for the proper sustenance and shelter of every person who is under arrest or in custody;

(k) in conducting searches, to refrain from needless rudeness and the causing of unnecessary annoyance;

(l) in dealing with women and children, to act with strict regard to decency and with reasonable gentleness;

(m) to use his best endeavours to prevent any loss or damage by fire;

(n) to use his best endeavours to avert any accident or danger to the public;

(o) to regulate and control the traffic in the streets, to prevent obstructions therein and to the best of his ability, to prevent the contravention of any rule, regulation or order made under this

Act or any other law in force for observance by the public in or near the streets;

(p) to keep order in the streets and at and within public bathing and washing places, fairs, temples and all other places of public resort and in the neighbourhood of places of public worship;

(q) to regulate resort to public bathing and washing places and all other places of public resort, to prevent overcrowding there and to the best of his ability, to prevent the contravention of any regulation or order lawfully made for observance by the public at such place; and

(r) to discharge such other duties as are imposed upon him by any law for the time being in force.

61. Subject to the provisions of this Act and the rules, regulations and orders made thereunder, every police officer may, for the purpose of discharging any of the duties referred to in section 59 or section 60 enter without a warrant and inspect any place of public resort which he has reason to believe is used as a place for the storing, sale or consumption of intoxicating drinks or narcotics or a place for resort of loose and disorderly characters.

Power to enter places of public resort.

62. When in a street or a place of public resort a person is in possession or suspected to be in possession of any article which a police officer in good faith suspects to be stolen property, such police officer may search such person and may require an account in relation to any article found in his possession and should the account given by the possessor be manifestly false or suspicious, may detain such article after giving to the possessor a receipt in the prescribed form and report the facts to a Metropolitan Magistrate who shall thereupon proceed according to the provisions of sections 457, 458 and 459 of the Code of Criminal Procedure, 1973.

Power to search suspected persons in street, etc.

2 of 1974.

63. (1) The Administrator may, by notification in the Official Gazette, declare any specified service to be an essential service to the community.

Emergency duties of police.

(2) A declaration made under sub-section (1) shall remain in force for one month in the first instance, but may be extended from time to time by a like notification.

(3) Upon a declaration being made under sub-section (1) and so long as it remains in force, it shall be the duty of every police officer to obey any order given by any superior officer in relation to any employment in connection with the service specified in the declaration.

64. A police officer of a rank superior to that of a constable may perform any duty assigned by law or by a lawful order to any officer subordinate to him, and in the case of any duty imposed on such subordinate, a superior may aid, supplement, supersede, or prevent any action of such subordinate by his own action or that of any person lawfully acting under his command or authority, whenever the same shall appear necessary or expedient for giving more complete or convenient effect to the law or for avoiding any infringement thereof.

Superior police officer may himself perform duties imposed on a subordinate officer.

Persons bound to comply with the reasonable directions of police officer.

65. (1) All persons shall be bound to comply with the reasonable directions given by a police officer in the discharge of his duties under this Act.

(2) Where any person resists, refuses or fails to comply with any direction referred to in sub-section (1), a police officer may, without prejudice to any other action that he may take under any other provision of this Act or any other law for the time being in force, remove such person and either produce him before a Metropolitan Magistrate or, in trivial cases, release him when the occasion which necessitated the removal has ceased to exist:

Provided that the person so removed shall in all cases be produced before the Metropolitan Magistrate or released, as the case may be, within a period of twenty-four hours of such removal.

CHAPTER VII

POWERS IN RELATION TO UNCLAIMED PROPERTY

Police to take charge of unclaimed property.

66. (1) It shall be the duty of every police officer to take temporary charge—

(a) of all unclaimed property found by, or made over to, him; and

(b) of all property found lying in any public street, if the owner or person in charge of such property, on being directed to remove the same, refuses or fails to do so.

(2) The police officer taking charge of the property under sub-section (1) shall furnish an inventory thereof to the Commissioner of Police.

Procedure for disposal of property taken charge of under section 66.

67. (1) Where any property has been taken charge of under sub-section (1) of section 66, the Commissioner of Police shall issue a proclamation specifying the articles of which such property consists and requiring that any person who may have a claim thereto shall appear before him or some other officer whom he authorises in this behalf and establish his claim within six months from the date of such proclamation.

(2) If the property, or any part thereof, is subject to speedy and natural decay or consists of livestock or if the property appears to be of the value of less than fifty rupees, it may forthwith be sold by auction under the orders of the Commissioner of Police and the net proceeds of such sale shall be dealt with in the same manner as is hereinafter provided for the disposal of the said property.

(3) Where any person who has a claim to the property is required by the proclamation under sub-section (1) to appear before the other officer authorised by the Commissioner of Police in that behalf and establish his claim, such officer shall forward the record of the proceedings before him with his findings thereon to the Commissioner of Police.

Delivery of property to person entitled.

68. (1) The Commissioner of Police on being satisfied of the title of any claimant to the possession or administration of the property specified in the proclamation issued under sub-section (1) of section 67 order the same to be delivered to him, after deduction or payment of the expenses incurred by the Delhi police in the seizure and detention thereof.

(2) The Commissioner of Police may, at his discretion, before making any order under sub-section (1), take such security as he may think proper from the person to whom the said property is to be delivered and nothing hereinbefore contained shall affect the right of any person to recover the whole or any part of the same from the person to whom it may have been delivered pursuant to such order.

69. (1) If no person establishes his claim to such property within the period specified in the proclamation, the property, or such part thereof as has not already been sold under sub-section (2) of section 67, may be sold by auction under the orders of the Commissioner of Police and the proceeds thereof shall be credited to the Government.

In default
of claim,
property
to be at
disposal
of Go-
vernment.

(2) If any claim is made to any proceeds credited under sub-section (1) to the Government and if such claim is established, whether wholly or to any extent, to the satisfaction of the prescribed authority, the Administrator shall pay to the claimant the amount determined in that behalf by the prescribed authority.

(3) The form and manner in which claims may be made under sub-section (2) and the procedure for dealing with such claims and all other matters connected therewith shall be such as may be prescribed.

CHAPTER VIII

SPECIAL PROVISIONS RELATING TO EXERCISE OF POWERS UNDER THE CODE OF CRIMINAL PROCEDURE, 1973

70. (1) The Central Government may, by notification in the Official Gazette and subject to such conditions and limitations as may be specified therein, empower—

Power of
Central
Govern-
ment to
authorise
Commis-
sioner of
Police and
certain
other
officers to
exercise
powers of
District
Magis-
trates and
Executive
Magis-
trates
under the
Code of
Criminal
Proce-
dure,
1973.

(a) the Commissioner of Police to exercise and perform in relation to Delhi the powers and duties of an Executive Magistrate and of a District Magistrate under such of the provisions of the Code of Criminal Procedure, 1973, as may be specified in the notification;

(b) any officer subordinate to the Commissioner of Police (not being an officer below the rank of an Assistant Commissioner of Police) to exercise and perform in relation to such areas in Delhi as may be specified in the notification the powers and duties of an Executive Magistrate under such of the provisions of the said Code as may be specified in the notification.

(2) Every officer subordinate to the Commissioner of Police shall, in the exercise and performance of any powers and duties which he is empowered to exercise or perform under sub-section (1), be subject to the general control of the Commissioner of Police in the same manner and to the same extent as an Executive Magistrate appointed under section 20 of the said Code would be subject to the general control of the District Magistrate appointed under that section.

(3) The Commissioner of Police or any officer subordinate to him shall not be subject in the exercise and performance of any powers and duties which he is empowered to exercise and perform under sub-section (1), to the general control of the District Magistrate appointed under section 20 of the said Code.

(4) The provisions of this section shall have effect notwithstanding anything contained in the said Code.

Notifications under section 70 to be laid before Parliament.

References to Judicial Magistrate of the first class in sections 108, 109 and 110 of the Code of Criminal Procedure, 1973 not to be construed as references to an Executive Magistrate.

Powers with regard to offences under Act 59 of 1960.

71. Every notification made by the Central Government under section 70 shall be laid, as soon as it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the notification or both Houses agree that the notification should not be made, the notification shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that notification.

72. (1) The notification of the Government of India in the Ministry of Home Affairs No. S.O. 224(E), dated the 30th March, 1974, under section 478 of the Code of Criminal Procedure, 1973, shall cease to have effect and accordingly references to a Judicial Magistrate of the first class in section 108, 109 and 110 of the said Code shall cease to be construed in respect of Delhi as references to an Executive Magistrate.

2 of 1974.

(2) All proceedings, under the said sections, pending before any Executive Magistrate immediately before the cesser of operation under sub-section (1) of the notification referred to therein shall, upon such cesser of operation, stand transferred to the Metropolitan Magistrate who would have jurisdiction if such proceedings had been instituted after such cesser of operation.

10 of 1897.

(3) Subject to the provisions of sub-section (2), the provisions of section 6 of the General Clauses Act, 1897, shall apply to the cesser of operation of the notification referred to in sub-section (1) as if such cesser of operation of the notification were a repeal of an enactment by a Central Act.

CHAPTER IX

SPECIAL POWERS UNDER THE PREVENTION OF CRUELTY TO ANIMALS ACT, 1960

73. (1) When in respect of an animal an offence punishable under sub-section (1) of section 11 or section 12 of the Prevention of Cruelty to Animals Act, 1960 has been committed, or when there is a reasonable ground for suspecting that such offence has been committed, a police officer may—

(a) take the animal to the Metropolitan Magistrate, or

(b) if the accused person so requires, take the animal to a veterinary officer specified by general or special order by the Administrator in this behalf:

Provided that the police officer may, instead of taking the animal to a veterinary officer, take the animal for detention in a dispensary, or in any suitable place approved by the Administrator by general or special order and the animal shall thereupon be detained there until its production before a Metropolitan Magistrate, or

(c) take the animal to an infirmary appointed under section 35 of the said Act for treatment and detention therein, pending direction of a Magistrate under sub-section (2) of that section, or

(d) when the animal is in such physical condition that it cannot be taken to a veterinary officer or a Metropolitan Magistrate, draw

up a report of the condition of the animal in the presence of two or more respectable persons describing such wound, sores, fractures, bruises, or other marks of injury as may be found on the body of the animal:

Provided that the police officer may take the animal for detention in a dispensary or any suitable place approved by the Administrator by general or special order and the animal shall thereupon be detained there until its production before a Metropolitan Magistrate.

(2) Where an animal is detained in a dispensary, infirmary or other place under sub-section (1), the animal shall be produced before a Metropolitan Magistrate with the least possible delay and in any case within a period not exceeding three days from the date on which it was so detained.

74. When the animal is brought before a Metropolitan Magistrate under section 73, the Magistrate may direct the animal to be returned to the person from whose possession it was taken on such person giving security to the satisfaction of the Metropolitan Magistrate binding himself to produce the animal when required or may direct that the animal shall be sent for treatment and care to an infirmary and be detained there as provided in section 35 of the Prevention of Cruelty to Animals Act, 1960 or may make such order as he thinks fit regarding the disposal or custody or production of the animal.

Powers of
Metropoli-
tan
Magis-
trate to
return
animal to
person
from
whose
possession
it was
taken.

59 of 1960.

75. The veterinary officer before whom an animal is brought under section 73 shall with all convenient speed examine the same and draw up a report of such examination and a copy of the report of such examination shall be delivered free of charge to the accused person if he applies for it.

Veteri-
nary
officer to
examine
the
animal.

76. When under section 73, a police officer takes an animal for detention in a dispensary or infirmary or other place before its production before a Metropolitan Magistrate or a Metropolitan Magistrate directs its further detention in an infirmary, sub-sections (3) to (7) (both inclusive) of section 35 of the Prevention of Cruelty to Animals Act, 1960 shall, as far as may be, apply in relation to the detention of the animal (including the cost of transport, maintenance and treatment of the animal) in the dispensary, infirmary or other place.

Animal to
be dealt
with
under Act
59 of 1960.

77. When a police officer in good faith suspects that any animal being employed in any work or labour is, by reason of any sore, unfit to be so employed, he may require the person in charge of such animal to unsaddle or unload it for the purpose of ascertaining whether any sore exists and, if any person refuses to do so, such police officer may himself unsaddle or unload the animal or may cause the same to be unsaddled or unloaded.

Power of
police
officer to
unsaddle
animal
or to
unload it.

78. Any police officer may arrest, without a warrant from a Magistrate, any person committing in his presence any offence punishable under clauses (a) to (m) (both inclusive) of sub-section (1) of section 11 of the Prevention of Cruelty to Animals Act, 1960.

Arrest
without
warrant
in case of
certain
offences
under
Act 59 of
1960.

Provi-
sions of
Chapter
to be in
addition
to the pro-
visions of
Act 59 of
1960.

Disre-
garding
the rules
of the
road.

Causing
obstruk-
tion or
mischief
by animal.

Exposing
animal
for hire,
sale, etc.

Causing
any obs-
truction
in a street.

79. The provisions of this Chapter shall be in addition to, and not in derogation of, the provisions of the Prevention of Cruelty to Animals Act, 1960.

CHAPTER X

OFFENCES AND PUNISHMENTS

80. No person shall—

(a) when driving a vehicle along a street (except in cases of actual necessity or of some other sufficient reason for deviation) fail to keep on the left side of such street and when passing any other vehicle proceeding in the same direction fail to keep on the right side of such vehicle; or

(b) leave in any street or public place insufficiently tended or secured any animal or vehicle.

81. No person shall cause obstruction, damage, injury, danger, alarm or mischief in any street or public place—

(i) by misbehaviour, negligence or ill-usage in the driving, management, treatment or care of any animal or vehicle; or

(ii) by driving any vehicle or animal laden with timber, poles or other unwieldy articles through a street or public place contrary to any regulation made in that behalf.

82. No person shall in any street or public place expose for hire or sale any animal or vehicle, clean any furniture or vehicle, or clean or groom any horse or other animal except at such times and places as the competent authority permits, or shall train or break in any horse or other animal or make any vehicle or any part of a vehicle or (except when as a result of any accident repairing on the spot is unavoidable) repair any vehicle or part of a vehicle, or carry on therein any manufacture or operation so as to be a serious impediment to traffic or serious annoyance to residents in the vicinity or to the public.

83. No person shall cause obstruction in any street or public place—

(a) by allowing any animal or vehicle, which has to be loaded or unloaded, or take up or set down passengers, to remain or stand in the street or the public place longer than may be necessary for such purpose; or

(b) by leaving any vehicle standing or fastening any cattle in the street or the public place; or

(c) by using any part of a street or public place as a halting place for vehicles or cattle; or

(d) by leaving any box, bale, package or other things whatsoever in or upon a street for an unreasonable length of time or contrary to any regulation; or

(e) by exposing anything for sale or setting out anything for sale in or upon any stall, booth, board, cask, basket or in any other way whatsoever,

84. No person shall drive, ride, load, propel or leave on any footway any animal or vehicle other than a perambulator or fasten any animal in such a way that the animal can stand across or upon such footway.

Obstructing a footway.

85. No person shall, in contravention of any regulation made by the Commissioner of Police,—

(a) exhibit any mimetic, musical or other performances of such a nature as may attract crowds; or

(b) carry or place bulky advertisements, pictures, figures or emblems in any street or public place,

Causing obstruction and annoyance by performances, etc.

whereby any obstruction to passengers or annoyance to the residents in the vicinity may be occasioned.

86. No person shall slaughter any animal, clean a carcass or hide, or bathe or wash his person in or near to and within sight of a street or public place, except at a place set apart for the purpose, so as to cause annoyance to the neighbouring residents or to passers-by.

Doing offensive acts in or near a street or public place.

87. No person shall in any street or public place—

Letting loose horse, etc., and suffering ferocious dogs to be at large.

(a) negligently let loose any horse or other animal, so as to cause danger, injury, alarm or annoyance; or

(b) suffer a ferocious dog to be at large without a muzzle; or

(c) set on or urge a dog or other animal to attack, worry or put in fear any person or horse or other animal.

88. No person shall bathe or wash in, or by the side of, a public well, tank or reservoir not set apart for such purpose by order of the competent authority, or in, or by the side of, any pond, pool, aqueduct, part of a river, stream, nullah or other source or means of water supply in which such bathing or washing is forbidden by order of the competent authority.

Bathing or washing in places not set apart for those purposes.

89. No person shall defile or cause to be defiled the water in any public well, tank, reservoir, pond, pool, aqueduct or part of a river, stream, nullah or other source or means of water supply, so as to render the same less fit for any purpose for which it is set apart by the order of the competent authority.

Defiling water in public wells, etc.

90. No person shall obstruct or incommodate a person bathing at a place set apart for the purpose by the order of the competent authority under section 88 by wilful intrusion or by using such place for any purpose for which it is not so set apart.

Obstructing bathers.

91. No person shall wilfully and indecently expose his person in any street or public place or place of public resort or within sight of, and in such manner as to be seen from, any street or public place or place of public resort, whether from within any house or building or not, or use indecent language or behave indecently or riotously or in a disorderly manner in a street or public place or place of public resort or in any office, police station or station house.

Behaving indecently in public.

Obstructing or annoying passengers in the street.

92. No person shall wilfully push, press, hustle or obstruct any passenger in a street or public place or by violent movements, menacing gestures, wanton personal annoyance, screaming, shouting, wilfully frightening horses or cattle or otherwise, disturb the public peace or order.

Misbehaviour with intent to provoke a breach of the peace.

93. No person shall use in any street or public place any threatening, abusive or insulting words or behaviour with intent to provoke a breach of the peace or whereby a breach of the peace may be occasioned.

Prohibition against flying kites, etc.

94. No person shall fly a kite or any other thing so as to cause danger, injury or alarm to persons, animals or property.

Committing nuisance in or near street, etc.

95. No person shall in or near to any street, public place or place of public resort—

(a) commit a nuisance by easing himself; or

(b) having the care or custody of any child under seven years of age, suffer such child to commit a nuisance as aforesaid; or

(c) spit or throw any dust, ashes, refuse or rubbish so as to cause annoyance to any passer-by.

Disregard of notice in public building.

96. No person shall, in any court, police station, police office or building occupied by Government or building occupied by any local body, smoke, or spit in contravention of a notice, by the competent authority in charge of such place, displayed in such court, police station, police office or building.

Penalties for offences under sections 80 to 96.

97. Any person who contravenes any of the provisions of sections 80 to 96 (both inclusive) shall, on conviction, be punished with fine which may extend to one hundred rupees, or, in default of payment of such fine, with imprisonment for a term not exceeding eight days.

Penalty for failure to keep in confinement cattle, etc.

98. (1) Whoever allows any cattle which are his property or in his charge to stray in any street or to trespass upon any public or private property shall on conviction be punished—

(a) for the first offence, with imprisonment for a term which may extend to one month, or with fine which may extend to three hundred rupees, or with both; and

(b) for the second or subsequent offence, with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

(2) The Metropolitan Magistrate trying an offence under sub-section (1) may order—

(a) that the accused shall pay such compensation not exceeding two hundred and fifty rupees as such Magistrate considers reasonable

to any person for any damage proved to have been caused to his property or the produce of his land by the cattle under the control of the accused trespassing on his land; and

(b) that the cattle in respect of which the offence has been committed shall be forfeited to the Government.

(3) Any compensation awarded under sub-section (2) may be recovered as if it were a fine imposed under this section.

(4) It shall be the duty of every police officer and it shall be lawful for any other person to seize and take to any cattle pound for confinement therein any cattle found straying in any street or trespassing upon any private or public property.

(5) Any fine imposed under this section may, without prejudice to any other means of recovery provided by law, be recovered by sale of all or any of the cattle in respect of which the offence was committed, whether they are the property of the person convicted of the offence or were only in his charge when the offence was committed.

(6) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, the offence punishable under this section shall be cognizable.

2 of 1974.

99. Whoever in any place cruelly beats, goads, overworks, ill-treats or tortures or causes, or procures to be cruelly beaten, goaded, overworked, ill-treated or tortured, any animal shall, on conviction, be punished with imprisonment which may extend to one month, or with fine which may extend to one hundred rupees, or with both.

Punish-
ment for
cruelty to
animals.

100. Whoever without satisfactory excuse wilfully enters or remains in or upon any dwelling-house or premises or land or ground attached thereto, or on any ground, building, monument or structure belonging to Government or used for public purposes, or on any vehicle, shall, on conviction, whether he causes any actual damage or not, be punished with imprisonment which may extend to seven days or with fine which may extend to one hundred rupees, or with both.

Wilful
trespass.

101. Whoever knowingly gives or causes to be given a false alarm of fire to the fire brigade of the Government or the Corporation or a municipality or to any officer or fireman thereof, whether by means of a street fire alarm, statement, message or otherwise, or with intent to give such false alarm wilfully breaks the glass of, or otherwise damages, a street fire alarm, shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to one hundred rupees, or with both.

False
alarm
of fire
or damage
to fire
alarm.

102. Whoever is found between sunset and sunrise—

(a) armed with any dangerous instrument with intent to commit an offence; or

(b) having his face covered, or otherwise disguised with intent to commit an offence; or

(c) in any dwelling-house or other building, or on any vehicle, without being able satisfactorily to account for his presence there; or

Being
found
under sus-
picious
circums-
stances
between
sunset
and sun-
rise.

(d) lying or loitering in any street, yard or other place, being a reputed thief and without being able to give a satisfactory account of himself; or

(e) having in his possession without lawful excuse (the burden of proving which excuse shall be on such person) any implement of house breaking,

shall, on conviction, be punished with imprisonment for a term which may extend to three months.

Possession
of pro-
perty of
which no
satisfac-
tory
account
can be
given.

103. Whoever has in his possession or conveys in any manner, or offers for sale or pawn, anything which there is reason to believe is stolen property or property fraudulently obtained, shall, if he fails to account for such possession or act to the satisfaction of the Metropolitan Magistrate, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to one hundred rupees, or with both.

Omission
by pawn-
brokers,
etc., to
report to
police
possession
or tender
of pro-
perty sus-
pected to
be stolen.

104. Whoever being a pawn-broker, dealer in second hand property, or worker in metals, or reasonably believed by the Commissioner of Police to be such a person, and having received from a police officer written or printed information in relation to any property suspected to have been transferred by any offence mentioned in section 410 of the Indian Penal Code or by any offence punishable under section 417, section 418, section 419 or section 420 of the said Code, is found in possession, or, after the receipt of such information, comes into possession or has an offer, either by way of sale, pawn, exchange, or for custody, alteration or otherwise howsoever, made to him, of property answering the description contained in such information, shall, unless—

45 of 1860.

(i) he forthwith gives information to the Commissioner of Police, or at a police station of such possession or offers and takes all reasonable means to ascertain and to give information as aforesaid of the name and address of the person from whom the possession or offer was received, or

(ii) the property, being an article of common wearing apparel or otherwise, is incapable of identification from the written or printed information given and has been in no way concealed after the receipt of such information,

on conviction, be punished with fine which may extend to fifty rupees in respect of each such article of property so in his possession or offered to him.

Melting,
etc., of
property
referred
to in
section
104.

105. Whoever having received such information as is referred to in section 104 alters, melts, defaces or puts away or causes or suffers to be altered, melted, defaced or put away, without the previous permission of the police, any such property as is referred to in that section shall, on proof that the same was stolen property within the meaning of section 410 of the Indian Penal Code or property in respect of which any offence punishable under section 417, section 418, section 419 or section 420 of the said Code has been committed, be punished with imprisonment for a term which may extend to three years or with fine, or with both.

45 of 1860.

106. Whoever takes from any child, not appearing to be above the age of fourteen years, any article whatsoever as a pawn, pledge or security for any sum of money lent, advanced or delivered to such child or without the knowledge and consent of the owner of the article buys from such child any article whatsoever, shall, on conviction, be punished with fine which may extend to one hundred rupees.

Taking
pledge
from
child.

107. Whoever, being the keeper of any place of public amusement or public entertainment, knowingly permits or suffers drunkenness or other disorderly behaviour or any gambling whatsoever, in such place, shall, on conviction, be punished with fine which may extend to one hundred rupees.

Suffering
disorderly
conduct
at places
of public
amuse-
ment, etc.

Cheating
at games
and gam-
bling
in street.

108. (1) Whoever by any fraud or unlawful device or malpractice in playing at or with cards, dice or other game or in taking part in the stakes or wagers, or in betting on the sides or hands of the players, or in wagering on the event of any game, sports, pastime or exercise, wins from any other person, for himself or any other or others, any sum of money or valuable thing, shall be deemed to have committed the offence of cheating within the meaning of section 415 of the Indian Penal Code, and be liable to punishment accordingly.

(2) Whoever assembles with others, or joins any assembly, in a street assembled for the purpose of gambling or wagering shall, on conviction, be punished with fine which may extend to fifty rupees or may be released after a due admonition.

109. Whoever contravenes, disobeys, opposes, or fails to conform to an order under section 27 requiring him to vacate any premises, shall, on conviction be punished with imprisonment which may extend to three months or with fine which may extend to five hundred rupees or with both.

Penalty
for dis-
obedience
to order
under
section 27.

110. Save as provided in section 112, whoever contravenes, or abets the contravention of, any regulation made under section 28 or any of the conditions of a licence issued under such regulation shall, on conviction, be punished—

(a) if the regulation was made under clause (b) of sub-section (1) of section 28 providing for the prohibition of the sale, or exposure for sale, of any goods on any street or portion thereof so as to cause obstruction to traffic or inconvenience to the public—

(i) for the first offence, with imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both, and

(ii) for any subsequent offence, with imprisonment for a term which may extend to six months and with fine which may extend to five hundred rupees;

(b) if the regulation was made under clause (d), (h), (i) or (j), sub-clause (i) or (ii) of clause (s) or clause (v) of sub-section (1) of section 28, with imprisonment for a term which may extend to eight days, or with fine which may extend to fifty rupees, or with both;

Penalty
for con-
travening
regula-
tions,
etc., un-
der sec-
tion 28.

(c) if the regulation was made under clause (o) or (p) of sub-section (1) of section 28, with fine which may extend to two hundred rupees; and

(d) if the regulation was made under any clause of sub-section (1) of section 28 and for the contravention of which no penalty is provided under clause (a), (b) or (c) of this section, with fine which may extend to fifty rupees.

Liability
of licensee
of
place of
public
amuse-
ment or
entertain-
ment for
acts of
servants.

111. The holder of a licence granted under this Act in respect of a place of public amusement or public entertainment shall be responsible, as well as the actual offender for any offence under section 110 committed by his servant or other agent acting with his express or implied permission on his behalf as if he himself had committed the same, unless he establishes that all due and reasonable precautions were taken by him to prevent the commission of such offence.

Penalty
for not
obtaining
licence
in res-
pect of
place of
public
entertain-
ment or
certificate
of regis-
tration in
respect
of eating
house
or for
not re-
newing
such
licence
or certi-
ficate
within
prescribed
period.

112. (1) Whoever fails to obtain a licence under this Act in respect of a place of public entertainment or a certificate of registration thereunder in respect of any eating house, or to renew the licence or the certificate, as the case may be, within the prescribed period shall, on conviction, be punished with fine which may extend to fifty rupees.

(2) Any court trying any such offence shall in addition direct that the person keeping the place of public entertainment, or the eating house, in respect of which the offence has been committed shall close such place, or eating house until he obtains a licence or fresh licence, or a certificate of registration or fresh certificate of registration, as the case may be, in respect thereof and thereupon such person shall forthwith comply with such direction.

(3) If the person fails to comply with any such direction, he shall, on conviction, be punished with imprisonment for a term which may extend to one month or with fine which may extend to two hundred rupees or with both.

(4) Without prejudice to any action taken under sub-section (3), on the failure of such person to comply with the direction of the court, any police officer authorised by the Commissioner of Police, by an order in writing, may take or cause to be taken such steps and use or cause to be used such force as may, in the opinion of such officer, be reasonably necessary for securing compliance with the court's direction.

Penalties
for contra-
vention of
orders,
etc., un-
der sec-
tions
29, 30, 31,
32, 33 and
34.

113. (1) Whoever contravenes, disobeys, opposes or fails to conform to any order given by a police officer under section 29 shall, on conviction, be punished with fine which may extend to two hundred rupees.

(2) Whoever contravenes a notification or an order made under section 30, section 32, section 33 or section 34 or abets the contravention thereof shall, on conviction, be punished—

(a) if the said notification or order was made under sub-section

(1) of section 30 or under section 33 or section 34, with imprison-

ment for a term which shall not be less than four months but which may extend to one year, and shall also be liable to fine:

Provided that the court may, for adequate and sufficient reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than four months;

(b) if the said order was made under sub-section (2) of section 30, with imprisonment for a term which may extend to one month, or with fine which may extend to one hundred rupees, or with both;

(c) if the said notification was made under sub-section (3) of section 30, with fine which may extend to one hundred rupees; or

(d) if the said order was made under section 32, with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

(3) Whoever opposes or fails to conform to any direction given by a police officer under section 31, shall, on conviction, be punished with fine which may extend to two hundred rupees.

114. Whoever contravenes, or abets the contravention of, any regulation, notice or order made under section 35, section 36 or section 37 shall, on conviction, be punished with imprisonment which may extend to three months, or with fine which may extend to two hundred rupees, or with both.

Penalty for contravention of regulations, etc., made under sections 35, 36 and 37.

115. Whoever opposes or fails to conform to any direction issued under section 46, section 47 or section 48 or abets the opposition to, or the failure to conform to, any such direction shall, on conviction, be punished with imprisonment which shall not be less than four months but which may extend to one year and shall also be liable to fine:

Provided that the court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than four months.

116. Without prejudice to the power to arrest and remove a person in the circumstances, and in the manner provided in section 53, any person who—

(a) in contravention of a direction issued to him under section 46, section 47 or section 48 enters or returns without permission to Delhi, or any part thereof, as the case may be, from which he was directed to remove himself; or

(b) enters or returns to Delhi or any part thereof with permission granted under sub-section (1) of section 54, but fails, contrary to the provisions thereof, to remove himself outside such area at the expiry of the temporary period for which he was permitted to enter or return or on the earlier revocation of such permission, or having removed himself at the expiry of such temporary period or on revocation of the permission, enters or returns thereafter, without fresh permission,

Penalty for entering without permission area from which a person is directed to remove himself or over-staying, when permitted to return temporarily.

shall, on conviction, be punished with imprisonment for a term which shall not be less than six months but which may extend to two years and shall also be liable to fine:

Provided that the court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than six months.

**Penalty
for con-
travention
of orders
under
section 57.**

**Penalty for
opposing
or not
complying
with
direction
given under
clause (b)
of sub-
section
(1) of
section 59.**

**Penalty
for con-
travelling
directions
under
section
65.**

**Dangerous
perform-
ances.**

**Neglect
or refusal
to serve
as special
police
officer.**

**Penalty
for
making
false
state-
ment,
etc., and
for mis-
conduct of
police
officers.**

117. Whoever contravenes any order made under section 57 shall, on conviction, be punished with imprisonment for a term which may extend to three years, or with fine, or with both.

118. Whoever opposes or fails forthwith to comply with any reasonable requisition made by a police officer under clause (b) of sub-section (1) of section 59, or abets the opposition thereto or failure to comply therewith, shall, on conviction, be punished with imprisonment for a term which shall not be less than four months but which may extend to one year and shall also be liable to fine:

Provided that the court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than four months.

119. Whoever opposes or fails to conform to any direction given by any police officer under section 65 or abets the opposition or failure to conform to such direction shall, on conviction, be punished with fine which may extend to fifty rupees.

120. (1) No person shall without the previous permission of the Commissioner of Police and except in accordance with any conditions subject to which such permission is granted, hold or give in any place which is likely to cause an assembly of persons, any performance in which or during which he buries himself under ground or seals himself in any room or receptacle or other thing, in such manner as to prevent all access of air to him and for such time as would ordinarily result in death by suffocation.

(2) If any person contravenes or attempts to contravene the provisions of sub-section (1), he shall, on conviction, be punished with imprisonment for a term which may extend to one year or with fine, or with both.

(3) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, the offence punishable under this section shall be cognizable.

2 of 1974.

121. Any person, who having been appointed to be a special police officer under section 17 shall without sufficient cause neglect or refuse to serve as such or to obey any lawful order or direction that may be given to him for the performance of his duties as such special police officer, shall, on conviction, be punished with fine which may extend to fifty rupees.

122. (a) Any person who makes a false statement or uses a false document for the purpose of obtaining employment or release from employment as a police officer, or

(b) any police officer who—

(i) is guilty of cowardice, or

(ii) being a police officer of subordinate rank, resigns his office or withdraws himself from duties thereof in contravention of section 25, or

(iii) is guilty of any wilful breach or neglect of any provision of law or of any rule or regulation or any order which he is bound to observe or obey, or

(iv) is guilty of any violation of duty for which no punishment is expressly provided by any other law in force,

shall, on conviction, be punished with imprisonment for a term which may extend to three months, or with fine which may extend to one hundred rupees, or with both.

Explanation.—A police officer who being absent on leave fails without reasonable cause to report himself for duty on the expiration of such leave shall, for the purpose of sub-clause (ii) of clause (b), be deemed to withdraw himself from the duties of his office within the meaning of section 25.

123. Any police officer, who wilfully neglects or refuses to deliver up his certificate of appointment or of office or any other article, in accordance with the provisions of sub-section (1) of section 26 shall, on conviction, be punished with imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both.

Penalty for failure to deliver up certificate of appointment or other article.

124. Any police officer who—

(a) without lawful authority or reasonable cause enters or searches, or causes to be entered or searched, any building, vessel, tent or place; or

(b) vexatiously and unnecessarily seizes the property of any person; or

(c) vexatiously and unnecessarily detains, searches or arrests any person; or

(d) offers any unnecessary personal violence to any person in his custody; or

(e) holds out any threat or promise not warranted by law,

shall, for every such offence, on conviction, be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

Vexatious entry, search, arrest, etc., by police officer.

125. Any police officer who vexatiously and unnecessarily delays the forwarding of any person arrested to a Magistrate or to any other authority to whom he is legally bound to forward such person, shall, on conviction, be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

Penalty for vexatious delay in forwarding a person arrested.

**Penalty
for un-
authorised
use of
police
uniforms.**

**Power to
make re-
gulations
regarding
carrying
weapons
without
authority.**

**Prosecu-
tion for
certain
offences
against
this Act
to be in
the disre-
ction of
Delhi
police**

**Summary
disposal of
certain
cases.**

**Prosecu-
tion for
offences
under
other
enact-
ments not
affected**

**offence
by compa-
nies.**

126. If any person not being a member of the Delhi police wears, without the permission of an officer authorised by the Administrator in this behalf by general or special order, the uniform of the Delhi police or any dress having the appearance or bearing any of the distinctive marks of that uniform, he shall, on conviction, be punished with fine which may extend to two hundred rupees.

127. (1) The Commissioner of Police may, by notification in the Official Gazette, make regulations to provide that no person, other than a member of the armed forces of the Union acting as such or a police officer, shall go armed with any sword, spear, bludgeon, gun or other offensive weapon or with any explosive or corrosive substance in any street or public place unless so authorised by such authority as may be specified in such regulations.

(2) Any regulation made under sub-section (1) may provide that any person who goes armed in contravention of such regulation shall be liable to be disarmed by any police officer and the weapon or substance so seized shall be forfeited to the Government, unless redeemed within two months by payment of such fine, not exceeding five hundred rupees, as the Commissioner of Police imposes.

128. It shall not, except in obedience to a rule, regulation or order made by the Administrator or by the Commissioner of Police, be incumbent on the Delhi police to prosecute for an offence punishable under section 97, section 104, sub-section (1) of section 113, section 114, section 119 or section 121 when such offence has not occasioned serious mischief and has been promptly desisted from on a warning being given.

129. (1) A court taking cognizance of an offence punishable under section 97, or under clause (a), (b) or (c) of section 110 may state upon the summons to be served on the accused person that he may, by a specified date, prior to the hearing of the charge plead guilty to the charge by registered letter and remit to the court such sum not exceeding one hundred rupees in the case of an offence punishable under section 97 and in any other case rupees fifty, as the court may specify.

(2) Where an accused person pleads guilty and remits the sum specified in the summons, under sub-section (1), no further proceedings in respect of the offence shall be taken against him.

130. Subject to the provisions contained in section 300 of the Code of Criminal Procedure, 1973, nothing in this Act shall be construed to prevent any person from being prosecuted and punished under any other law for anything made punishable by this Act or from being prosecuted and punished under this Act for anything made punishable under any other law.

2 of 1974.

131. (1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed, was in charge of, and was responsible to, the company for

the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or that the commission of the offence is attributable to, any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

*Explanation.—*For the purposes of this section,—

(a) "company" means a body corporate, and includes a firm or other association of individuals; and

(b) "director", in relation to a firm, means a partner in the firm.

CHAPTER XI

MISCELLANEOUS

132. All fees paid for licences or permissions granted under this Act, and all sums paid for the service of processes by police officers and all rewards, forfeitures and penalties or shares thereof, which are by law payable to police officers as informers shall, save in so far as any such fees or sums belong under the provisions of any enactment for the time being in force to any local authority be credited to the Government:

Disposal
of fees,
rewards,
etc.

Provided that with the sanction of the Administrator or under any rule made by the Administrator in that behalf, the whole or any portion of any such reward, forfeiture or penalty may for special services, be paid to a police officer or be divided amongst two or more police officers.

133. Any order or notification published or issued by the Administrator or by the Commissioner of Police or any other police officer under any provision of this Act, and the due publication or issue thereof may be proved by the production of a copy thereof in the Official Gazette, or of a copy thereof signed by the Administrator or Commissioner of Police or other police officer, as the case may be, and by him certified to be a true copy of an original published or issued according to the provisions of this Act applicable thereto.

Method of
proving
orders and
notifica-
tions.

Rules, regulations or orders not invalidated by defect of form or irregularity in procedure.

Presumption in prosecutions for contravention of order made under section 46, 47 or 48.

Officers holding charges of, or succeeding to, vacancies competent to exercise powers.

Forfeiture of bond entered into by person under sub-section (1) of section 54.

No police officer to be liable to penalty or damage for act done in good faith in pursuance of duty.

134. No rule, regulation, order, direction, adjudication, inquiry or notification made or published and no act done under any provision of this Act or any rule or regulation made under this Act, or in substantial conformity with the same, shall be deemed illegal, void, invalid or insufficient by reason of any defect of form or any irregularity of procedure.

135. Notwithstanding anything contained in any law for the time being in force, in a prosecution for an offence for the contravention of an order made under section 46, section 47 or section 48 on the production of an authentic copy of the order, it shall, until the contrary is proved by the accused, be presumed—

- (a) that the order was made by the authority competent under this Act to make it;
- (b) that the authority making the order was satisfied that the grounds on, or the purpose for, which it was made existed, and that it was necessary to make the same; and
- (c) that the order was otherwise valid and in conformity with the provisions of this Act.

136. Whenever in consequence of the office of the Commissioner of Police, Additional Commissioner of Police or any other police officer becoming vacant, any officer holds charge of the post of such Commissioner of Police, Additional Commissioner of Police or other police officer or succeeds, either temporarily or permanently, to that post, such officer shall be competent to exercise all the powers and perform all the duties respectively conferred and imposed by or under this Act on the Commissioner of Police or on such Additional Commissioner of Police or other police officer, as the case may be.

137. If any person permitted to enter or return to the area from which he was directed to remove himself under sub-section (1) of section 54, fails to observe any condition imposed under that sub-section or by the bond executed by him thereunder, his bond shall be forfeited and any person bound thereby shall pay the penalty thereof or show cause to the satisfaction of the court why such penalty should not be paid.

138. No police officer shall be liable to any penalty or to payment of any damages on account of an act done in good faith in pursuance of or purported to be done in pursuance of any duty imposed or any authority conferred on him by any provision of this Act or any other law for the time being in force or any rule, regulation, order or direction made or given thereunder.

139. No public servant or person duly appointed or authorised shall be liable to any penalty or to payment of any damages for giving effect in good faith to—

(a) any order or direction issued with apparent authority by the Administrator or by a person empowered in that behalf under this Act; or

(b) any rule or regulation made under this Act.

Explanation.—In this section, the expression “public servant” has the meaning assigned to it in section 21 of the Indian Penal Code.

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No public servant liable as aforesaid for giving effect in good faith to any rule, regulation, order or direction issued with apparent authority.

140. (1) In any case of alleged offence by a police officer or other person, or of a wrong alleged to have been done by such police officer or other person, by any act done under colour of duty or authority or in excess of any such duty or authority, or wherein it shall appear to the court that the offence or wrong if committed or done was of the character aforesaid, the prosecution or suit shall not be entertained and if entertained shall be dismissed if it is instituted, more than three months after the date of the act complained of:

Provided that any such prosecution against a police officer or other person may be entertained by the court, if instituted with the previous sanction of the Administrator, within one year from the date of the offence.

(2) In the case of an intended suit on account of such a wrong as aforesaid, the person intending to sue shall give to the alleged wrongdoer not less than one month's notice of the intended suit with sufficient description of the wrong complained of, and if no such notice has been given before the institution of the suit, it shall be dismissed.

(3) The plaintiff shall set forth that a notice as aforesaid has been served on the defendant and the date of such service and shall state what tender of amends, if any, has been made by the defendant and a copy of the said notice shall be annexed to the plaint endorsed or accompanied with a declaration by the plaintiff of the time and manner of service thereof.

141. (1) Any licence or written permission granted under the provisions of this Act shall specify the period and locality for which, and the conditions and restrictions subject to which, the same is granted, and shall be given under the signature of the competent authority.

(2) Any licence or written permission granted under this Act may at any time be suspended or revoked by the competent authority if any of its conditions or restrictions are infringed or evaded by the person to whom it has been granted, or if such person is convicted of any offence with respect to any matter to which such licence or permission relates.

(3) When any such licence or written permission is suspended or revoked, or when the period for which the same was granted has expired, the persons to whom the same granted shall, for all purpose of this

Licences and written permissions to specify conditions, etc., and to be signed.

Act, be deemed to be without a licence or written permission, until the order for suspending or revoking the same is cancelled, or until the same is renewed, as the case may be.

(4) Every person to whom any such licence or written permission has been granted shall, while the same remains in force, at all reasonable times, produce the same, if so required by a police officer.

Explanation.—For the purposes of this section any such infringement or evasion by, or conviction of, a servant or other agent acting on behalf of the person to whom the licence or written permission has been granted shall be deemed to be infringement or evasion or, as the case may be, conviction of, the person to whom such licence or written permission has been granted.

Public notices how to be given.

142. Any notification which may be publicly promulgated, public notice required to be given, order required to be notified publicly or proclamation required to be issued under any of the provisions of this Act shall be in writing, under the signature of a competent authority and shall be published in the locality to be affected thereby, by affixing copies thereof in conspicuous public places, or by proclaiming the same with beat of drums or by advertising, the same in such local newspapers in Hindi, Urdu and English, as the competent authority may deem fit, or by any two or more of these means and by any other means it may think suitable.

Consent, etc., of a competent authority may be proved by writing under its signature.

143. Whenever under this Act, the doing or the omitting to do anything or the validity of anything depends upon the consent, approval, declaration, opinion or satisfaction of the competent authority, a written document signed by the competent authority, purporting to convey or set forth such consent, approval, declaration, opinion or satisfaction shall be sufficient evidence thereof.

144. Every licence, written permission, notice or other document, not being a summons or warrant or search warrant, required by this Act or by any rule or regulation made thereunder, to bear the signature of the Commissioner of Police, shall be deemed to be properly signed if it bears a facsimile of his signature stamped thereon.

Persons interested may seek to annul, reverse or alter any rule or order.

145. (1) In the case of any rule or order made by the Administrator under an authority conferred by this Act and requiring the public or a particular class of persons to perform some duty or act, or to conduct or order themselves or those under their control in a manner therein described, it shall be competent for any person interested to apply to the Administrator by a memorial to annul, reverse, or alter the rule or order aforesaid on the ground of its being unlawful, oppressive or unreasonable.

(2) After such an application as aforesaid and the rejection thereof wholly or in part or after the lapse of four months without an answer to such application or a decision thereon published by the Administrator, it shall be competent for the person interested and deeming the rule or order to be contrary to law to institute a suit in the principal civil court of original jurisdiction against the Administrator for a declaration that the rule or order is unlawful either wholly or in part.

Signature on notices, etc., may be stamped.

(3) Where in any suit instituted under sub-section (2) or on appeal therefrom, the court adjudges a rule or order to be unlawful, the rule or order shall be annulled or so altered as to make it conformable to law.

146. (1) The Commissioner of Police shall exercise all powers and discharge all functions which may be exercised or discharged by a District Magistrate under the Acts mentioned in Schedule I including the rules made thereunder.

(2) The Commissioner of Police may authorise any Additional Commissioner of Police, Deputy Commissioner of Police or Additional Deputy Commissioner of Police to exercise any of the powers or discharge any of the functions of the Commissioner of Police mentioned in sub-section (1) in accordance with the general or special orders of the Administrator.

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(3) The powers and functions of a District Magistrate under the Sarais Act, 1867, shall be exercised and discharged by the Administrator or such officer as the Administrator may, by notification in the Official Gazette, authorise in this behalf.

147. (1) The Administrator may make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) recruitment to, and the pay, allowances and all other conditions of service of the members of, the Delhi police under clause (b) of section 5;

(b) the manner of publication, under sub-section (2) of section 17, by the Commissioner of Police, of the names of special police officers appointed under that section;

(c) awarding of any of the punishments referred to in sub-section (1) or sub-section (2) of section 21 to any police officer of subordinate rank;

(d) procedure for awarding punishments under section 22;

(e) form of Discharge Certificate under sub-section (8) of section 25;

(f) determination of the cost of employing additional police under sub-section (2) of section 38;

(g) manner of taking measurements and photographs under section 55 of a person against whom an order has been made under section 46, section 47 or section 48;

(h) manner of constituting Defence Societies under sub-section (1) of section 58;

(i) form of receipt to be given in respect of any article detained under section 62;

(j) the authority to whose satisfaction claims are to be established under sub-section (2) of section 69 and the form and manner in which claims may be made under that sub-section, the procedure for dealing with such claims and all other matters connected therewith under sub-section (3) of that section;

(k) payment to any police officer or division among two or more police officers the whole or any portion of any reward, forfeiture or penalty, under the proviso to section 132;

Powers of
Commissioner of
Police
under
other
Acts.

Power to
make
rules.

(ii) any other matter which has to be, or may be, prescribed, or provided for by rules, under this Act.

Notification of rules and regulations in the Official Gazette and laying of rules and regulations.

148. (1) Every rule and regulation made under this Act shall be made by notification in the Official Gazette.

(2) Every rule and regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation, as the case may be, or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

(3) Every rule and regulation made under this Act shall also be laid before the Metropolitan Council of Delhi.

Cesser of operation of certain enactments and savings

149. (1) On the commencement of this Act the enactments specified in Schedule II shall cease to be in force in Delhi:

Provided that—

(i) all rules and standing orders made (including the Punjab Police Rules, as in force in Delhi), appointments made, powers conferred, orders made or passed, directions and certificates issued, consent, permit, permission or licence given, summons or warrants issued or served, persons arrested or detained or discharged on bail or bond, search warrants issued, bonds forfeited and penalties incurred under any such enactment shall, in so far as they are consistent with this Act, be deemed to have been respectively made, conferred, passed, given, issued, served, arrested, detained, discharged, forfeited or incurred under this Act,

(ii) all references in any enactment to any of the provisions of the enactments so ceasing to be in force shall, in relation to Delhi, be construed as references to the corresponding provisions of this Act.

(2) The cesser of operation under sub-section (1) of an enactment specified in Schedule II shall not affect—

(a) the validity, invalidity, effect or consequence of anything done or suffered to be done thereunder before the commencement of this Act;

(b) any right, privilege, obligation or liability already acquired, accrued or incurred thereunder before such commencement;

(c) any penalty, forfeiture or punishment incurred or inflicted in respect of any act thereunder before such commencement;

(d) any investigation, legal proceeding or remedy in respect of such right, privilege, obligation, liability, penalty, forfeiture or punishment; or

(e) any legal proceeding thereunder pending in any court or before any officer immediately before such commencement or anything done or suffered to be done in the course of such proceedings,

and any such proceeding or any appeal or revisional proceedings arising out of such proceeding shall, save as otherwise expressly provided in section 150 be instituted, continued or disposed of, as the case may be, as if this Act had not been enacted.

150. Without prejudice to the provisions contained in section 149,—

(a) the police force functioning in Delhi immediately before the commencement of this Act (hereafter in this section referred to as the existing police force) shall, on such commencement, be deemed to be police force constituted under this Act and every member of the existing police force holding the office mentioned in column (1) of Schedule III, immediately before such commencement, shall be deemed to be appointed, on such commencement, to the office mentioned in the corresponding entry in column (2) of that Schedule;

(b) all proceedings (including proceedings by way of investigations) pending before any police officer of the existing police force, immediately before the commencement of this Act shall on such commencement be deemed to be proceedings pending before him in his capacity as the holder of the office to which he is deemed to be appointed under clause (a) and shall be dealt with accordingly;

(c) where any power or function which may be exercised or discharged under any law by a District Magistrate or Executive Magistrate immediately before the commencement of this Act has been conferred on the Commissioner of Police or any other police officer by or under this Act, all proceedings in relation to or arising from the exercise of such power or the discharge of such function pending immediately before such conferment before the District Magistrate, or the Executive Magistrate, as the case may be, shall, on the conferment of such power or function on the Commissioner of Police or other police officer stand transferred to the Commissioner of Police or other police officer, as the case may be, and the officer to whom such proceedings stand so transferred shall either proceed *de novo* or from the stage of such transfer.

151. (1) If any difficulty arises in giving effect to the provisions of this Act in consequence of the transition to the said provisions from the provisions of the enactments mentioned in Schedule II, the Central Government may, by notification in the Official Gazette, make such provisions as appear to it to be necessary or expedient for removing the difficulty:

Provided that no such notification shall be issued after the expiry of two years from the commencement of this Act.

(2) Every notification issued under this section shall, as soon as may be after it is issued, be laid before each House of Parliament.

152. (1) The Delhi Police Ordinance, 1978 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Ordinance so repealed shall be deemed to have been done or taken under the corresponding provisions of this Act.

Police force functioning in Delhi immediately before the commencement of this Act to be deemed to be police force constituted under this Act.

Power to remove difficulties.

SCHEDULE I

[See section 146(1)]

PART I

CENTRAL ACTS

1. The Press and Registration of Books Act, 1867.
2. The Indian Explosives Act, 1884.
3. The Indian Lunacy Act, 1912.
4. The Poisons Act, 1919.
5. The Police (Incitement to Disaffection) Act, 1922.
6. The Cinematograph Act, 1952.
7. The Suppression of Immoral Traffic in Women and Girls Act, 1956.
8. The Arms Act, 1959.
9. The Prevention of Cruelty to Animals Act, 1960.

PART II

DELHI ACT AND ACTS EXTENDED TO DELHI

1. The Madras Restriction of Habitual Offenders Act, 1948, as in force in Delhi.
2. The Punjab Security of State Act, 1953, as in force in Delhi.
3. The Madras Dramatic Performances Act, 1954, as in force in Delhi.
4. The Delhi Public Gambling Act, 1955.
5. The Bombay Prevention of Begging Act, 1959, as in force in Delhi.

SCHEDULE II

(See section 149)

Year	No.	Short title
1861	V	The Police Act, 1861.
1872	IV	Section 40 of the Punjab Laws Act, 1872, as in force in Delhi.
1951	XXII	The provisions of the Bombay Police Act, 1951, as in force in Delhi.

SCHEDULE III

(See section 150)

Designation of officer in the Delhi police	Posts to which the officers of the Delhi police shall be deemed to be appointed
(1)	(2)
1. Inspector General of Police.	Commissioner of Police.
2. Deputy Inspector General of Police.	Additional Commissioner of Police.
3. Superintendent of Police.	Deputy Commissioner of Police.
4. Assistant Inspector General of Police.	Deputy Commissioner of Police.
5. Additional Superintendent of Police.	Additional Deputy Commissioner of Police.
6. Assistant Superintendent of Police.	Assistant Commissioner of Police.
7. Deputy Superintendent of Police.	Assistant Commissioner of Police.

STATEMENT OF OBJECTS AND REASONS

The duality inherent in the police-magistracy system as provided in the Police Act, 1861 inhibit the police in quickly responding to situations and affects their efficiency in their primary task of crime control and maintenance of law and order. After considering all aspects of the matter and in the interest of improvement of the efficiency of the police in the Capital city, it was felt that the balance of advantage would be in favour of a change-over to the Police Commissioner system which avoids such duality and which has been working efficiently in Bombay, Calcutta and Madras and other metropolitan cities such as Hyderabad, Bangalore, Ahmedabad, Nagpur and Poona.

2. The Delhi Police Ordinance, 1978, was, therefore, promulgated to facilitate the change-over to the Police Commissioner system. The Ordinance is mainly based on the Bombay Police Act, 1951 with some modifications to suit the requirements of Delhi. It provides for the appointment of a Commissioner of Police and the vesting in him, subject to the control of the Administrator, of the direction and supervision of the police force in Delhi. Under the Ordinance, the Commissioner of Police may be empowered by the Central Government by notification in the Official Gazette to exercise and perform in relation to Delhi the powers and duties of an Executive Magistrate and of a District Magistrate under such of the provisions of the Code of Criminal Procedure, 1973 as may be specified in the notification. Similarly any officer subordinate to the Commissioner of Police, being an officer not below the rank of an Assistant Commissioner of Police, may be empowered by the Central Government by notification in the Official Gazette to exercise and perform the powers and duties of an Executive Magistrate under such of the provisions of the Code of Criminal Procedure, 1973 and in relation to such areas in Delhi as may be specified in the notification. The Ordinance empowered the Commissioner of Police to exercise the powers of a District Magistrate under the Acts specified in Schedule I thereto.

3. The other important features of the Ordinance are the following:—

- (a) The Commissioner of Police will have power to make regulations for regulating traffic of all kinds, licensing and controlling of places of public amusement or public entertainment or prohibiting the carrying of gun-powder or any other explosive substance in public places, directing the closing or disuse of any source, supply or receptacle of water and providing against pollution of the same or of water therein, regulating the conduct of assemblies and processions, etc.
- (b) The Commissioner of Police will have power to disperse gangs and exterr bad characters and habitual offenders.
- (c) The Commissioner of Police will have certain powers to prevent cruelty to animals.

(d) Creation of certain new offences with respect to disregarding rules of the road, causing obstruction or mischief by animals, causing obstruction in streets, doing offensive acts in or near a street or public place, behaving indecently in public and annoying passengers in streets, etc.

4. The Bill seeks to replace the said Ordinance. The notes on clauses explain the various provisions of the Bill.

NEW DELHI;

DHANIK LAL MANDAL.

The 19th July, 1978.

PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117 OF THE CONSTITUTION OF INDIA

(Copy of letter No. U-11014|5|78-UTL, dated the 14th July, 1978 from Shri Dhanik Lal Mandal, Minister of State in the Ministry of Home Affairs to the Secretary, Lok Sabha).

The President, having been informed of the subject matter of the Bill to amend and consolidate the law relating to the regulation of the police in the Union territory of Delhi, recommends to Lok Sabha the consideration of the said Bill under clause (3) of article 117 of the Constitution.

Notes on clauses

Clause 2.—This clause contains definitions of certain terms and expressions used in the Bill.

Clauses 3 to 18.—These clauses, corresponding to sections 3 to 5, 7, 9, 10 to 12A, 14 to 16, 20 to 22 of the Bombay Police Act, 1951, relate to organisation, superintendence and control of the police force.

There shall be one police force for the whole of Delhi. The officers and subordinate ranks of the police force shall be liable for posting to any branch of the force including the Delhi Armed Police. The superintendence of the police force will vest in the Administrator who may, by general or special order, determine the size and organisation of the force and powers, functions and duties of the police. The recruitment to, and the pay, allowances and all other conditions of service of the members of, the police force (other than those belonging to the Indian Police Service or the Delhi, Andaman and Nicobar Islands Police Service) shall be governed by rules to be made by the Administrator.

The Administrator shall appoint a Commissioner of Police for the direction and supervision of the police force. He will exercise and perform such powers, duties and functions as are specified by or under this Bill. One or more Additional Commissioners of Police may be appointed by the Administrator. The Additional Commissioner of Police will assist the Commissioner in the exercise of his powers and performance of his duties in such manner and to such extent as may be specified by the Administrator. He shall also exercise such powers and perform such duties of the Commissioner within such local limits as the Administrator may specify.

The Administrator may appoint Deputy Commissioners of Police, Additional Deputy Commissioners of Police and Assistant Commissioners of Police. The powers and duties of these officers and the local limits of their jurisdiction may be specified by the Commissioner of Police subject to any general or special order of the Administrator. The Principal of the Police Training School shall be appointed by the Administrator. He shall be a police officer not below the rank of Deputy Commissioner of Police. He shall exercise such powers and duties as may be assigned to him, by the Commissioner of Police, for the proper functioning of that School. The Administrator may establish a Police Training College and appoint a police officer of appropriate rank to be its Principal. The Commissioner of Police will assign to the Principal of the Police Training College such powers and duties as he deems fit for the proper administration of that College.

Subject to the control of the Administrator, the Commissioner of Police shall constitute police districts, divide such districts into police sub-divisions, specify the police stations in each sub-division and define the limits and extent of such police districts, police sub-divisions and police stations.

Each police district, police sub-division and police station will, respectively, be under the charge of a Deputy Commissioner of Police, Assistant Commissioner of Police and Inspector of Police. A Deputy Commissioner of Police may be assisted in the discharge of his duties by one or more Additional Deputy Commissioners of Police.

The Inspectors of Police are to be appointed by the Additional Commissioner of Police and Sub-Inspectors of Police and other officers of subordinate rank will be appointed by the Deputy Commissioner of Police, Additional Deputy Commissioner of Police, Principal of the Police Training College or Police Training School or any other police officer of equivalent rank. Every officer of the rank of Inspector and below shall receive a certificate of appointment to be issued under the seal of such officer, and shall be in such form, as the Administrator may specify. The certificate shall become null and void when the officer to whom it is issued ceases to belong to the Delhi police and shall remain inoperative when such officer is suspended.

The powers, functions and privileges of a police officer will remain suspended when the officer is under suspension but such officer shall continue to be subject to the control of the same authorities to which he would have been subject but for his suspension.

Clauses 15 and 16 specify the general powers of the Commissioner of Police and his authority to investigate and regulate matters of accounts connected with the Delhi police. Clauses 17 and 18 relate to appointment of special police officers and additional police officers by the Commissioner of Police in certain circumstances.

Clauses 19 to 27.—These clauses, corresponding to sections 23 to 31 of the Bombay Police Act, 1951 deal with the regulation, control and discipline of the Delhi police. Clause 19 empowers the Commissioner of Police to frame regulations, subject to the orders of the Administrator, for the administration of the police.

Clause 20 empowers the Commissioner to call for returns, reports and statements from his subordinates on any subject connected with the prevention and detection of crime, etc. Clause 21 specifies the penalties that may be imposed on police officers of subordinate rank and the officers competent to impose such penalties. Clause 22 lays down the procedure for awarding punishments. Clause 23 provides for an appeal from certain orders of punishment passed against police officers and specifies the appellate authorities.

Clause 24 provides that police officers shall be deemed to be always on duty and be liable to be employed in any part of Delhi.

Clause 25 lays down the circumstances under which a police officer of subordinate rank may resign and the procedure for accepting such resignation. Clause 26 enjoins that the certificate, arms, etc., issued to a police officer shall be delivered up by him on ceasing to be a police officer. If the certificate, arms, etc., are not so delivered, any Metropolitan Magistrate or a police officer specified in sub-clause (2) (a) of that clause may issue a warrant for the seizure thereof and such warrant shall be executed as if it were a search warrant for a search issued under the Code of Criminal Procedure, 1973. The provision of this clause will not apply in relation to

any article which has become the property of the person concerned by virtue of orders issued by the Commissioner of Police. Clause 27 deals with occupation of, and liability to vacate, premises provided for police officers by the Commissioner of Police. If any person to whom the premises have been allotted fails to vacate the same when he is bound or required to do so, he may be ordered to vacate the premises by the Administrator or any other officer authorised by the Administrator and any police officer may be directed to enter upon the premises, with such assistance as may be necessary, and remove therefrom any person found therein and to take possession of the premises and deliver the same to the person specified in the direction.

Clauses 28 to 37.—These clauses, corresponding to sections 33, 36, 37, 41, 38 to 40, 43, 34 and 35 of the Bombay Police Act, 1951, empower the Commissioner of Police to—

- (a) make regulations for controlling traffic and preservation of order in public places, etc.;
- (b) give directions to public as to the conduct of, and behaviour or action of persons constituting processions or assemblies on or along streets, specify the routes by which and the time at which any such procession may pass or shall not pass, etc.;
- (c) prohibit the carrying of arms, cudgels, swords, bludgeons, guns, knives, sticks or lathis or any other article capable of being used for causing physical violence, corrosive substance or explosives, etc., for the preservation of public peace or public safety. Arms, etc., which are carried in contravention of such prohibition are liable to be seized;
- (d) prohibit any assembly or procession whenever and for such time as he considers necessary for the preservation of public order. Such prohibition shall not remain in force for more than fifteen days but the Administrator may extend the operation thereof for such further period, not exceeding six months from the date on which it would have otherwise expired as he may specify;
- (e) prevent, prohibit, etc., continuance of music, sound or noise, use of loudspeaker, etc.;
- (f) close or take possession of any building or other place for prevention or suppression of any riot or grave disturbance of peace;
- (g) take special measures to prevent out-break of epidemic diseases at fairs, etc.;
- (h) reserve street or other public place for a public purpose and authorise the erection of barriers in streets;
- (i) make regulations prohibiting disposal of the dead except at places set apart for such purpose.

Clause 31 empowers any police officer of the rank of Assistant Sub-Inspector and above present at a place of public amusement or assembly or meeting to give reasonable directions for securing the peaceful and lawful conduct of the proceedings and the maintenance of the public safety.

Under clause 34 the competent authority may give necessary and reasonable orders as to the conduct of persons where a dispute or contention exists as to an actual or intended religious or ceremonial or corporate display, etc., in any street or public place or as to the conduct of, or participation in, such display. But while giving such orders, regard shall be had to the apparent legal rights and to any established practice of the parties and of the persons interested.

Clauses 38 to 58.—These clauses, corresponding to sections 47, 50, 48, 51, 55 to 62, 63A and 63B of the Bombay Police Act, 1951, provide for special measures being taken for maintenance of public order and security of the State.

Clauses 38 and 39 provide for the employment of additional police to keep peace and in cases of special danger to public peace. Clause 40 provides for the employment of additional police at large works and when apprehension regarding behaviour of employees exists.

Clauses 41 to 45 deal with award of compensation for injury caused by unlawful assembly, recovery thereof from persons participating in such assembly, disputes as to cost of deputing additional police or compensation, etc.

Clauses 46 to 48 empower the Commissioner of Police to disperse gangs and body of persons causing or are likely to cause danger to person or property, etc., removal of persons about to commit offences or persons convicted of certain offences if they are likely to engage again in the commission of any such offence. These provisions are based on sections 55, 56 and 57 of the Bombay Police Act, 1951 supplemented by the provisions of the Rajasthan Control of Goondas Act, 1975.

A direction made under the provisions envisaged in clause 46, 47 or 48 shall remain in operation for such period not exceeding two years as may be specified therein. Clause 50 lays down the procedure to be followed in making an order under clause 46, 47 or 48. Clause 51 provides for appeals from such orders to Administrator and lays down the procedure for preferring such appeal.

Clause 52 provides that an order passed by the Commissioner of Police under clause 46, 47 or 48 or an order in anneal made by the Administrator shall not be called in question in any court except on certain grounds specified in that clause.

Clause 53 authorises the Commissioner of Police to cause the arrest and removal to a place outside Delhi or any part thereof, of any person who fails to obey a direction issued under clause 46, 47 or 48 or enters into the area from which he was directed to remove himself otherwise than with the permission of the Commissioner of Police in writing under clause 54.

Clause 54 relates to grant of temporary permission for externees to enter the area from which they were directed to remove themselves and the consequences of non-observance of the conditions of such permission.

Clauses 55 and 56 (new provisions) provide for taking the measurement and photograph of any person against whom an order under clause 46, 47 or 48 has been made and the consequences of resistance to taking of measurements and photograph.

Clause 57 empowers the Administrator, in the interest of the security of the State or the maintenance of public order, to ban use of dress, etc., resembling uniform of Armed Forces or of any police force.

Clause 58 provides for the constitution of Defence Societies by Commissioner of Police for the protection of persons, security of property and the public safety in any locality.

Clauses 59 to 65.—These clauses, corresponding to sections 71, 70, 80(1), 81, 64, 66, 67, 93, 97, 68 and 69 of the Bombay Police Act, 1951 specify the following executive duties and powers of police officers:—

- (a) duty of police officer to enforce provisions of the Bill including the circumstances in which a police officer may arrest without warrant;
- (b) other duties of a police officer;
- (c) power to enter without warrant places of public resort for the purpose of discharging his duties referred to in clause 59 or 60;
- (d) power to search suspected persons in street, etc.;
- (e) emergency duties of police when the Administrator declares any specified service to be an essential service to the community;
- (f) competence of a superior police officer to perform duties imposed on a subordinate officer;
- (g) obligation of the public to comply with reasonable directions of police officers and consequences of non-compliance.

Clauses 66 to 69.—These clauses, corresponding to sections 82(1), 85, 86 and 87 of the Bombay Police Act, 1951 empower the police to take charge of unclaimed property and lay down the procedure in regard to its disposal.

Clauses 70 to 72.—These are special provisions relating to exercise of powers under the Code of Criminal Procedure, 1973.

The Central Government may, by notification in the Official Gazette, authorise the Commissioner of Police to exercise the powers of a District Magistrate and Executive Magistrate under such provisions of the Code of Criminal Procedure, 1973, as may be specified in the notification. By a similar notification the Central Government may authorise any officer subordinate to the Commissioner of Police (not being an officer below the rank of an Assistant Commissioner of Police) to exercise the powers of an Executive Magistrate under such provisions of that Code as may be specified in the notification. Such notifications are to be laid before the Houses of Parliament.

In pursuance of a resolution passed by Parliament, as envisaged in section 478 of the Code of Criminal Procedure, 1973, the Central Government had, by notification, directed that references to Judicial Magistrates in sections 108, 109 and 110 of that Code shall, in relation to Delhi, be construed as references to Executive Magistrates thereby making the powers conferred by those sections exercisable by Executive Magistrates in Delhi. Clause 72 of the Bill seeks to repeal the aforesaid notification with the result that the powers under sections 108, 109 and 110 of the Code of Criminal Procedure, 1973 will revert to Metropolitan Magistrates in Delhi.

Clauses 73 to 79.—These clauses, corresponding to sections 74 to 79 of the Bombay Police Act, 1951, vest some special powers in the police officers in relation to offences under the Prevention of Cruelty to Animals Act, 1960. These provisions shall be in addition to, and not in derogation of, the provisions of that Act.

Clauses 80 to 131.—These clauses, corresponding to sections 99 to 113, 115 to 122, 124, 126 to 131A, 133 to 142, 143A to 149A, 123, 151, 151A and 152 of the Bombay Police Act, 1951, specify the offences under the Bill and the penalties therefor. The Bill creates the following offences, namely:—

- (1) disregarding the rules of the road (clause 80);
- (2) causing obstruction or mischief by animal in street or public place (clause 81);
- (3) exposing animal for hire, sale, etc., in street or public place (clause 82);
- (4) causing any obstruction in a street (clause 83);
- (5) obstructing a footway (clause 84);
- (6) causing obstruction to, and annoyance by, performances, etc. (clause 85);
- (7) doing offensive acts in or near a street or public place (clause 86);
- (8) letting loose horse, etc., and suffering ferocious dogs to be at large (clause 87);
- (9) bathing or washing in places not set apart for those purposes (clause 88);
- (10) defiling water in public wells, etc. (clause 89);
- (11) obstructing bathers at places set apart for bathing (clause 90);
- (12) behaving indecently in public (clause 91);
- (13) obstructing or annoying passengers in the street (clause 92);
- (14) misbehaviour with intent to provoke a breach of the peace (clause 93);
- (15) flying kite or any other thing so as to cause danger, injury or alarm to persons, animals or property (clause 94);
- (16) committing nuisance in or near street, etc. (clause 95);
- (17) disregard of notice in public building (clause 96);
- (18) failure to keep in confinement cattle, etc. (clause 98);
- (19) cruelty to animals (clause 99);
- (20) wilful trespass (clause 100);
- (21) giving false alarm of fire or causing damage to street fire alarm (clause 101);
- (22) being found under suspicious circumstances between sunset and sunrise (clause 102);

- (23) possession of property of which no satisfactory account can be given (clause 103);
- (24) omission by pawnbrokers, etc., to report to police possession or tender of property suspected to be stolen (clause 104);
- (25) melting etc., of property suspected to be stolen (clause 105);
- (26) taking pledge from child (clause 106);
- (27) suffering disorderly conduct at places of public amusement, etc. (clause 107);
- (28) cheating at games and gambling in street (clause 108);
- (29) disobedience of order under clause 27 (clause 109);
- (30) contravention of regulations, etc., under clause 28 (clause 110);
- (31) not obtaining licence in respect of place of public entertainment or certificate of registration in respect of eating house, or not renewing such licence or certificate within the prescribed period (clause 112);
- (32) contravention of orders, etc., under clauses 29 to 34 (clause 113);
- (33) contravention of regulations, etc., under clauses 35 to 37 (clause 114);
- (34) contravention of directions under clauses 46 to 48 (clause 115);
- (35) entering without permission area from which a person is directed to remove himself or overstaying when permitted to return temporarily (clause 116);
- (36) contravention of orders under clause 57 (clause 117);
- (37) opposing or not complying with direction given under clause 59(1) (b) (clause 118);
- (38) contravening directions under clause 65 (clause 119);
- (39) holding or giving dangerous performances without previous permission (clause 120);
- (40) neglect or refusal to serve as special police officer (clause 121);
- (41) making false statement, etc., and misconduct by police officers (clause 122);
- (42) failure to deliver up certificate of appointment or other article in accordance with the provisions of clause 26(1) (clause 123);
- (43) vexatious entry, search, arrest, etc., by police officer (clause 124);
- (44) vexatious delay in forwarding a person arrested (clause 125);
- (45) unauthorised use of police uniforms (clause 126).

Clause 127 empowers the Commissioner of Police to make regulations regarding the carrying of arms, etc., by persons other than members of

the armed forces of the Union and police officers. The regulations may provide for the forfeiture of such arms also.

Under clause 128 when an offence punishable under clause 97, 104, 113(1), 114, 119 or 121 has not occasioned serious mischief and has been promptly desisted from on a warning being given, it is not incumbent on the police to prosecute the offender.

Clauses 129 to 131.—Clause 129 provides for summary disposal of certain offences in cases where the accused persons plead guilty. Clause 130 is of a clarifying nature. Clause 131 deals with offences by companies.

Clauses 132 to 145.—These clauses, corresponding to sections 153, 155 to 166 of the Bombay Police Act, 1951, deal with miscellaneous matters and are self-explanatory.

Clause 146 and Schedule I.—The Commissioner of Police is to exercise all powers and discharge all functions of a District Magistrate under the Acts mentioned in Schedule I and the rules made thereunder. Any Additional Commissioner of Police, Deputy Commissioner of Police or Additional Deputy Commissioner of Police may be authorised by the Commissioner, in accordance with the general or special orders of the Administrator, to exercise any such power or function.

Clause 147.—This clause empowers the Administrator to make rules for carrying out the purposes of this Bill.

Clause 148.—This clause requires that every rule or regulation to be made under this Bill shall be notified in the Official Gazette and shall be laid before both the Houses of Parliament and the Metropolitan Council of Delhi.

Clause 149 and Schedule II.—This clause seeks to repeal the laws specified in Schedule II and contains suitable saving provisions.

Clause 150 and Schedule III.—This clause provides that the police officers specified in column (1) of Schedule III shall be deemed to have been appointed to the posts specified in column (2) thereof. Accordingly, the Inspector General of Police will become Commissioner of Police, Deputy Inspector General of Police will become Additional Commissioner of Police, Superintendents of Police and Assistant Inspectors General of Police will become Deputy Commissioners of Police, Additional Superintendents of Police will become Additional Deputy Commissioners of Police and Assistant Superintendents of Police and Deputy Superintendents of Police will become Assistant Commissioners of Police. The police force constituted under the Police Act, 1861 shall be deemed to have been constituted under this Bill.

Clause 151.—This clause gives the Central Government the power to remove, by order, difficulties, if any, in giving effect to the provisions of this Act in consequence of the transition from the provisions of the enactments mentioned in Schedule II.

Clause 152.—This clause provides for the repeal of the Delhi Police Ordinance 1978 and the saving of actions taken thereunder.

FINANCIAL MEMORANDUM

Clause 5 of the Bill provides for the constitution of the police force for Delhi and clauses 6, 7, 8, 9 and 12 deal with the appointment of a Commissioner of Police and other officers and subordinate ranks of that police force. Under clause 150 of the Bill, the police force functioning in Delhi immediately before the commencement of the Act shall, on such commencement, be deemed to be the police force constituted under the Act. Therefore, no additional expenditure is anticipated on account of these provisions.

2. Clause 17 of the Bill provides for the appointment of special police officers and clause 18, read with clauses 38, 39 and 40 of the Bill, deals with the appointment of additional police officers. It is not possible to estimate the expenditure that may have to be incurred on account of the appointment of special police officers and additional police officers as they are to be appointed only if and when the contingencies contemplated in those provisions occur.

3. Sub-clause (1) of clause 33 of the Bill empowers the Commissioner of Police to temporarily close or take possession of any building or other place in certain circumstances. Under sub-clause (2) of that clause, if the lawful occupant of such building or place suffers any loss or injury by reason of the action taken under sub-clause (1), he shall be entitled to receive reasonable compensation for such loss or injury unless such action was in the opinion of the competent authority rendered necessary either by the use to which such building or place was put or intended to be put or by the misconduct of persons having access thereto. Compensation will have to be paid only if any need arises for temporarily closing down or taking possession of any building or other place and therefore it is not possible to estimate the expenditure that will have to be incurred on this account.

4. Under clause 41 of the Bill when any loss or damage is caused to any property or when death results or grievous hurt is caused to any person or persons by anything done in the prosecution of the common object of an unlawful assembly in any disturbed area, the District Collector may determine the amount of the compensation which should be paid to any person or persons in respect of the loss or damage or death or grievous hurt and such amount shall be payable by the inhabitants of the disturbed area. The amount so recovered is to be credited to the Government, under sub-clause (1) of clause 44 of the Bill. From the amount so recovered, the District Collector shall pay, under sub-clause (2) of clause 44, such amount as he deems just and proper by way of compensation to any person who has suffered loss or damage to property or grievous hurt or to the legal heirs of any person who died by reason of anything done in the prosecution of the common object of the unlawful assembly. As the compensation will be paid out of the amounts recovered under clause 41 of the Bill, there will be no expenditure from the Consolidated Fund of India on this account.

5. Clause 70 of the Bill empowers the Central Government to confer, by notification in the Official Gazette, on the Commissioner of Police powers and duties of an Executive Magistrate and of a District Magistrate under such of the provisions of the Code of Criminal Procedure, 1973, as may be specified in the notification. By a similar notification under that clause, the Central Government may confer on any officer subordinate to the Commissioner of Police (not being an officer below the rank of an Assistant Commissioner of Police) the powers and duties of an Executive Magistrate under such provisions of that Code as may be specified in the notification. Under clause 146(1) of the Bill the powers of a District Magistrate under the Acts mentioned in Schedule I are conferred on the Commissioner of Police. As a result of these provisions part of the staff at present functioning under the District Magistrate will have to be transferred to the Delhi police organisation. Besides some additional staff may also have to be provided to the Commissioner of Police.

6. Under clause 72 of the Bill, the powers under sections 108, 109 and 110 of the Code of Criminal Procedure, 1973, which are at present being exercised by an Executive Magistrate, would, after the commencement of the Act, be exercised by the Metropolitan Magistrate in Delhi. This would necessitate the creation of some additional posts of Metropolitan Magistrates.

7. The additional expenditure that would have to be incurred on account of the provisions referred to in paragraphs 5 and 6 is likely to be Rs. 4,36,579 per annum. As against this certain posts of Additional District Magistrates and Sub-Divisional Magistrates, which would be rendered surplus as a result of the enactment of the provisions of the Bill, are proposed to be surrendered and this would result in a saving of Rs. 1.70 lakhs per annum. The net additional expenditure on account of these provisions is, therefore, likely to be Rs. 2,66,579 per annum.

8. No other recurring or non-recurring expenditure is likely to be involved if the Bill is enacted and brought into force.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 147 of the Bill empowers the Administrator to make rules for carrying out the purposes of the proposed legislation. Sub-clause (2) of the clause catalogues the various matters with respect to which rules may be made.

2. Clause 19 of the Bill empowers the Commissioner of Police to make regulations not inconsistent with the Act or any other law for the time being in force, for the administration of the police. The details of the matters in regard to which such regulations may be made are enumerated in the clause. Sub-clause (1) of clause 28 of the Bill empowers the Commissioner of Police to make regulations to provide for all or any of the matters mentioned in that clause.

3. Sub-clause (1) of clause 35 of the Bill empowers the Commissioner of Police to prescribe regulations to be observed by the residents of any place in Delhi which is visited or likely to be visited with an outbreak of any epidemic disease in order to prevent the outbreak of such disease or the spread thereof. Sub-clause (1) of clause 37 of the Bill confers on the Commissioner of Police the power to make regulations prohibiting the disposal of the dead, whether by cremation, burial or otherwise at places other than those set apart for such purpose.

4. Under sub-clause (1) of clause 127, the Commissioner of Police may make regulations to provide that no person, other than a member of the armed forces of the Union acting as such or a police officer, shall go armed with sword, spear, bludgeon, gun or other offensive weapon or with any explosive or corrosive substance in any street or public place unless so authorised by such authority as may be specified in such regulations. The regulations made under this sub-clause may also provide for the consequences of the contravention of such regulation including the forfeiture of the weapon.

5. The matters with respect to which the rules or regulations referred to above may be made are matters of procedure or of detail and it may not be possible to provide for them in the Bill itself. Moreover under clause 148 the rules and regulations will have to be laid before each House of Parliament and they will be subject to scrutiny of Parliament.

6. The delegation of legislative power under the provisions of the Bill referred to above is, therefore, of a normal character.

*Memorandum Regarding the modifications contained in the Bill to
replace the Delhi Police Ordinance, 1978*

The Bill contains certain modifications of a minor nature. These are dealt with in the following paragraphs.

2. Section 19 of the Ordinance provides for two different form of subordinate legislation, namely, regulations and orders to be made by the Commissioner of Police. As there can be no difference between the two forms in the context, the reference to orders has been omitted as unnecessary (*vide clause 19 of the Bill*).

3. Section 23 of the Ordinance, which provides for appeals from orders of punishment, has been modified to cover appeals from orders passed by the Commissioner of Police (*vide clause 23 of the Bill*).

4. Section 147(2) of the Ordinance has been amplified to spell out expressly the various matters in regard to which rules may be made [*vide clause 147(2) of the Bill*].

5. The other modifications are of a purely formal, drafting or consequential nature. Amongst these, mention may be made of changes made with a view to making the arrangement of certain provisions or groups of provisions of the Bill more logical. In section 59(2) of the Ordinance [*clause 59(2) of the Bill*], the clauses have been re-arranged. In section 113 of the Ordinance (*clause 113 of the Bill*), the sub-sections have been re-arranged. Sections 115 to 125 have been slightly re-arranged in the Bill—section 115 being clause 119, section 125 being clause 118, sections 116 to 118 being clauses 115 to 117 respectively, and sections 119 to 124 being clauses 120 to 125.

AVTAR SINGH RIKHY,
Secretary.

